

# **भारत का राजपत्र** **The Gazette of India**

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 No 20] NEW DELHI, SATURDAY, MAY 20, 1967/VAISAKHA 30, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

## नोटिस NOTICE

नीचे लिखे भारत के असाधारण राजपत्र ८ मई, १९६७ तक प्रकाशित किये गये।  
 The undermentioned Gazettes of India Extraordinary were published up to the 8th May 1967:—

Issue No.	No. and date	Issued by	Subject
273	S. O. 1635, dated 1st May, 1967.	Ministry of Commerce.	The Imports (Control) Third Amendment Order, 1967.
	S. O. 1636, dated 1st May, 1967.	Do.	The Imports (Control) Fourth Amendment Order, 1967.
	S.O. 1637, dated 1st May, 1967.	Do.	The Imports (Control) Fifth Amendment Order, 1967.
	S. O. 1638, dated 1st May, 1967.	Do.	Importation of Spare parts from U.S.A. to India subject to U.S. Aid Condition.
274	S. O. 1639, dated 2nd May, 1967. 1	Ministry of Food, Agriculture, Community Development & Cooperation.	Correction in the Order No.S.O. 685, dated 21st February, 1967.
275	S. O. 1640, dated 2nd May, 1967.	Ministry of Law.	Declarations regarding Bye-Elections in the Council of States to fill Casual vacancies.
276	S. O. 1641, dated 2nd May, 1967.	Ministry of Irrigation & Power.	Assets and Liabilities to be taken over by the Haryana State Electricity Board Constituted by the Government of Haryana.



Issue No.	No. and Date	Issued by	Subject
277	S. O. 1642, dated May, 1967.	2nd Ministry of Irrigation & Power.	Assets and Liabilities to be taken over by the new Punjab State Electricity Board Constituted by the Government of Punjab.
278	S. O. 1643, dated May, 1967.	3rd Do.	The Punjab Electricity Board Constituted under the Electricity (Supply) Act, 1948 shall cease to function and shall be dissolved on the 2nd May, 1967.
279	S. O. 1644, dated May, 1967.	4th Ministry of Information & Broadcasting.	Film Advisory Board, Bombad approves the films specified in the Schedule.
280	S. O. 1645, dated May, 1967.	4th Ministry of Irrigation & Power.	The Punjab Reorganisation (Removal of Difficulties) Order No. 4.
281	S. O. 1646, dated 4th May, 1967.	Ministry of Law.	Declaration regarding Bye-Election to the House of the People for Guna Parliamentary Constituency.
282	S. O. 1647, dated 5th May, 1967.	Election Commission, India.	Correction in the Delimitation Commission's Order No. 17, dated the 22nd July, 1966.
283	S. O. 1648, dated 5th May, 1967.	Ministry of Law.	Declaration regarding Election to the House of the People for Mahasu Parliamentary Constituency.
284	S. O. 1649, dated 5th May, 1967.	Do.	Declarations regarding Bye-Election in the Council of States to fill Casual vacancies.
285	S. O. 1650, dated 6th May, 1967.	Ministry of Commerce.	Amendments to the Exports (Control) Order, 1962.
286	S. O. 1651, dated 8th May, 1967.	Ministry of Law.	Declaration on Shri V. V. Giri elected Vice-President of India.

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.



## भाग II—खण्ड 3—उपखण्ड (ii)

## PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

## MINISTRY OF HOME AFFAIRS

New Delhi, the 8th May 1967

S.O. 1723.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Manipur Employees (Revision of Pay) Rules, 1966.

1. These rules may be called the Manipur Employees (Revision of Pay) Amendment Rules, 1967.

2. In the Manipur Employees (Revision of Pay) Rules 1966, Rule 9, Fixation of pay in the revised scales—Formula No. 2—Clause (B)(iii) shall be substituted by the following:—

“If the aggregate of the present emolument plus the financial benefit is intermediate between two stages in the revised scale, then at the higher of such stages in that scale.”

3. In Schedule to the Manipur Employees (Revision of Pay) Rules, 1966:—

(i) Under the heading “Community Development Department” the entries against item No. 7 shall be replaced by the following entries:—

7. Progress Assistant	125-7½-155-9-245- EB-10-275	175-10-225-EB-10- 275-EB-12-50-400.
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(ii) Under the heading “Statistical Department” after item 9, the following entries shall be inserted under columns 1, 2, 3, and 4 respectively.

10. Driver	60-2-80-EB-2½-100	110-3-125-EB-3-140- EB-3-149-4-165.
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(iii) Under the heading “Employment Exchange” for the entries against item No. 2, the following entries shall be inserted under columns 1, 2, 3, 4 and 5 respectively:—

2. Statistical Assistant	125-5-150-EB-5-175.	200-12-50-250-EB- 12-50-275-15-350- EB-15-500.	With one advance increment for Ho- nours Graduates and two advance increments for Mas- ter's degree holder of a Class not below Class II. To be re- designated as Sub- Inspector of Statis- tics.
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(iv) Under the heading “Election Department” for the entries against item No. 1, the following entries shall be inserted under columns 1, 2, 3 and 4 respectively:—

1. Head Assistant	175-9-220-EB-10-150	275-10-325-EB-10-375 Selection grade on Rs. 375-15-450 at 5 per cent of the strength, qualifying service being 20 years.
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*New Delhi, the 9th May 1967*

**S.O.1724.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the "Tripura Employees (Revision of Pay and Allowances) Rules, 1963," published with the notification of the Government of India in the Ministry of Home Affairs, No. S.O. 516 dated the 4th February, 1964, namely:—

1. (i) These rules may be called the "Tripura Employees (Revision of Pay and Allowances) Amendment Rules 1967."

(ii) These shall be deemed to have come into effect from the date of issue of this notification.

2. In Part I of Schedule I to the Tripura Employees (Revision of Pay and Allowances) Rules, 1963—

(I) Under the heading "Secretariat", entries against item No. 1, 2 and 5 shall be deleted.

(II) Under the heading "Secretariat" after item No. 14 the following entries shall be inserted under columns 1, 2, 3, and 4 respectively:—

"15 Assistant (Export Trade Controller) Rs. 80—4—160—5—180/- Rs. 150—5—195—EB—5—250/-"

"16 Peon (Export Trade Controller) Rs. 20—1—25/- Rs. 60—1—65—1—75/-"

(III) Under the heading "Food Section" the (i) existing entries in column 3 against serial No. 11 shall be substituted by "Rs. 130—5—180/-", and (ii) the existing entry in column 3 against serial No. 14 shall be substituted by "Rs. 100—4—144—EB—180—5—200/-"

(IV) Under the heading "Food Section" after the existing entry against item No. 19 the following entries shall be inserted against columns 1, 2, 3 and 4 respectively:—

"20. Driver . . . Rs. 60 fixed . . . Rs. 100—3—136—4—140/-"

"21. Peon . . . Rs. 30 fixed . . . Rs. 60—1—65—1—75/-"

(V) Under the heading "Printing & Stationery Department"

(i) the existing entry in column 2 against item No. 4 shall be substituted by "Accounts Clerk" and in Column 3 after the existing entry the words "(With a higher initial start at the 4th Stage of the time scale i.e. Rs. 134)" shall be inserted.

(ii) the existing entries against items 2, 11 and 20 shall be deleted.

(VI) Under the heading "Printing & Stationery Department" after item 22 the following entries shall be inserted against columns 1, 2, 3, and 4:—

23. Probationer Compositor Rs. 30—1—35—1—45/- Rs. 60—1—65—1—75/-

(VII) Under the heading "Department of Co-operation" (i) the existing entries against item No. 1 shall be deleted, (ii) the words "District Co-operative Auditor" in Column 2 against item No. 7 shall be deleted.

(VIII) Under the heading "Police Department"

(i) in columns 3 and 4 the existing entries against item 21 shall respectively be substituted as under:—

Rs. 55—3—88—EB—3—118—4—130/- Rs. 125—3—140—4—156—EB—4—200.

(ii) the following entries shall be inserted after item No. 24:—

25. Driver Rs. 50—2—60—3—75/-

Rs. 100—3—136—4—140/- (with Grade I posts at 15% of the cadre on Rs. 110—4—170/- in Offices where the number of vehicles is 20 or more).

26. C.A.S. Grade I Rs. 325—800.

Rs. 300—25—475—EB—25—700—EB—25—800/-

27. C.A.S. Grade II Rs. 175—375.

(i) Rs. 200—10—290—EB—10—400/- (for Medical Officers with licentiate qualifications)  
(ii) Rs. 225—10—315—EB—10—325—15—475/- (for Medical Officers with M.B.B.S. or MMFS qualifications).



28. Compounder-cum-Clerk	Rs. 55—130/-	Rs. 125—3—140—4—156—EB—4—200/-
29. Compounder-cum-Dresser	Rs. 55—100/-	Rs. 125—3—140—4—156—EB—4—200/-
30. Senior Trained Nurse	Rs. 100—200/-	Rs. 125—3—140—4—156—EB—4—200/-
31. Assistant Nurse	Rs. 55—130/-	Rs. 65—3—80—4—96—EB—4—140/-
32. Reader Clerk	Rs. 110—150/-	Rs. 125—5—140—4—156—EB—4—200/- with higher initial start at Rs. 164/-.
33. D.I.B. Clerk (S.B)	Rs. 55—130/-	Rs. 125—3—140—4—156—EB—4—200/-
34. Daftry.	Rs. 30—1—35—1—45/-	Rs. 65—1—85/-

(IX) Under the heading "Public Works Department"—

(i) Against the existing entries in columns 2 and 3 at item No. 11 the following further entries shall be inserted—

Draftsmen	Rs. 150—10—250/-
Draftsmen grade III	Rs. 60—4—120—5—150/-

(ii) Against the existing entries in columns 2 and 3 at item No. 8, the following further entries shall be inserted—

"Overseer.	Rs. 150—10—250/-"
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(iii) the following further entries shall be inserted against the existing entries at item No. 17—

Motor Lorry Driver	Rs. 75—3—105/-
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(iv) existing entry in col. 4 against item No. 21 shall be substituted by Rs. 200—10—400/-EB after 10th stage.

(v) After item No. 32 the following entries shall be inserted under columns 1, 2, 3 & 4 respectively—

33. Handyman	Rs. 20—1—25/-	Rs. 60—1—65—1—75/-
34. Sub-Overseer	(i) Rs. 50—5—75/-	(i) Rs. 100—3—136—4—140/- for those with practical experience only.
	(ii) Rs. 100—5—200/-	(ii) Rs. 125—3—140—4—200/- (Efficiency Bar after 10th stage) For those possessing at least a pass certificate of the School Final Examination and with practical experience.
35. Work Assistant	Rs. 50—1—68—2—80/-	Rs. 100—3—136—4—140/-
36. Guard/Store Guard Sweeper.	Rs. 20—1—25/-	Rs. 60—1—65—1—75/-
37. Grader Driver/Operator	Rs. 50—2—60—3—75/-	Rs. 100—3—136—4—140/-
38. Carpenter/Blacksmith/Rock Roller Driver/Mason/Turner	Rs. 50—1—68—2—80	Rs. 100—3—136—4—140/-
39. Plumbing/Mistry/Assistant Fitter	Rs. 35—1—40—1—50/-	Rs. 80—1—85—2—105/-
40. Painter	Rs. 50—1—68—2—80/-	Rs. 100—3—136—4—140/-
41. Gangman (Majdoor)	Rs. 20—1—25/-	Rs. 60—1—65—1—75/-
42. Mate/Boatman	Rs. 25—1—35/-	Rs. 65—1—85/-
43. Tractor Driver	Rs. 90—4—130/-	Rs. 140—5—210/-
44. Hammerman	Rs. 35—1—40—2—50/-	Rs. 80—1—85—2—105/-
45. Assistant Lineman	Rs. 35—1—40—1—50/-	Rs. 80—1—85—2—105/-
46. Electrician	Rs. 75—3—105/-	Rs. 100—3—136—4—140/-



47. Gauge Reader	Rs. 35— <del>1</del> —40—1—50/-	Rs. 80—1—85—2—105/-
48. Welder	Rs. 60—1—68—2—80/-	Rs. 100—3—136—4—140/-
49. Upholster	Rs. 60—3—90/-	Rs. 100—3—136—4—140/-
50. Concrete Mixer Driver/ Crusher Driver/Rock Drill Driver/ Driver-cum-Switch Board Operator	Rs. 50—1—68—2—80/-	Rs. 100—3—136—4—140/-
51. Gunner/Jugali	Rs. 20— <del>1</del> —25/-	Rs. 60— <del>1</del> —65—1—75/-
52. Mistry	Rs. 55—3—118—4—130/-	Rs. 125—3—140—4—156—EB—4— 200/-

(X) Under the heading " Education Department " the following entries shall be inserted after item No. 133 :—

134. C.A.S. Grade I	Rs. 325—25—500—30—590—E.B. 30—800/-	Rs. 300—25—475—EB—25—700— EB—25—800/-
135. Assistant Inspector of Schools/Assistant Inspector of Schools, Social Education/ Assistant Inspector of Schools, Physical Education.	Rs. 100—5—160—EB—215—10— 225/- Plus a special Pay of Rs. 30/-	Rs. 200—10—290—EB—10—400/-

#### Hindi Promotion

136. Upper Division Clerk	Rs. 80—4—124—E.B.—4—160— 5—180/-	Rs. 150—5—195—EB—5—250/-
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#### Infirmary/Mahila Ashram/Children's Home

137. Store-Keeper -cum- Sarker (Infirmary)	Rs. 80—4—124—EB—4—160— 5—180/-	Rs. 150—5—195—EB—5—250/-
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138. Medical Officer	Rs. 100—10—420—15—450/-	(i) Rs. 200—10—290— EB—10—400 for Me- dical Officers with Licen- tiate qualifications.
		(ii) Rs. 225—10—315—EB— 10—325—15—475/- for M. B. B. S. or M. M. F. S. Medical Officers.

#### Ashram School, Bagafa

139. Class IV	Rs. 20— <del>1</del> —25/-	Rs. 60— <del>1</del> —65—1—75/-
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#### Junior Basic School (Attached to B.T.C. Agartala)

140. Head Master	Rs. 100—5—160—E.B.—215—10— 225/-	Rs. 175—7—238—EB— 7—245—8—325/- plus a special pay of Rs. 15/- p.m. for trained graduates in Arts and Science.
	Rs. 125—3—140—4—156— EB—4—200/- with a special pay of Rs. 15/- p.m.	Rs. 125—3—140—4—156—EB —4—200/- plus a special pay of Rs. 15/- p.m. for under graduates.



(xi) Under the heading " Industries Department " the following entries shall be inserted after item No. 78 :—

79. Development Officer	Rs. 250—25—475—EB.—25—675—EB—25—850/-.	Rs. 300—30—510—E.B.—30—750—EB—30—900/-.
80. Manager (Sericulture)	Rs. 150—300/-.	Rs. 200—10—290—EB—10—400/-.
81. Assistant Instructor	(i) Rs. 100—225/- (ii) Rs. 80—130/-.	(i) Rs. 150—5—195—EB—5—250/-. (ii) Rs. 140—5—210/-.
82. Salesman.	(i) Rs. 70—150/-  (ii) Rs. 80—120/-. (iii) Rs. 80—160/-. (iv) Rs. 90—130/-.	Rs. 125—3—140—4—200/- with higher initial start at Rs. 134/- E. B. after 10th stage.  Rs. 60—1—65—1—75.
83. Guide (Gur and Khand-sari)	(i) Rs. 20—25/-. (ii) Rs. 32—37/-.	Rs. 100—3—136—4—140/-
84. Demonstrator (Gur & Khandsari)	Rs. 45—81/-.	Rs. 65—1—85/-.
85. Skilled Worker (Weaving)	Rs. 100/- Consolidated	Rs. 100—3—136—4—140/-.
86. Engine Driver	Rs. 55—130/-	Rs. 110—4—170/-.
87. Welder	Rs. 55—130/-.	Rs. 125—3—140—4—156—E.B.—4—200/- (with higher initial start at Rs. 164/- i.e., 12th stage of the time scale).
88. Village Industries Organiser	Rs. 100—5—150/-	Rs. 125—3—140—4—156—EB—4—200/- (with higher initial start at Rs. 164/- i.e., 12th stage of the time scale)
89. Assistant Peripatetic Trainer	Rs. 80—4—120/-	Rs. 175—7—238—E.B.—7—245—8—293.
90. Designer	Rs. 125—4—205/-	Rs. 175—7—238—E.B.—7—245—8—293/-.
91. Mathematics Instructor	Rs. 100—5—205/-.	Rs. 125—3—140—4—156—E.B.—4—200/-.
92. Lower Division Clerk	Rs. 50—4—90—5—120/-	Rs. 175—7—238—EB—7—245—8—325/-.
93. Inspector (weights & Measures)	Rs. 125—250/-	Rs. 65—1—85/-.
94. Store Attendant	Rs. 30—45/-.	Rs. 125—3—140—4—156—E.B.—4—200/- with higher initial start at Rs. 134/- i.e., at the 4th stage of the time scale.
95. Clerk-cum-Store-keeper	Rs. 70—130/-	Rs. 125—3—140—4—156—EB—4—200/- with higher initial start at Rs. 134 i.e., at the 4th stage of the time scale.
96. Field Assistant	Rs. 70—150/-	

(xii) Under the heading “ Industries Department ” the following changes shall be made—

- (i) in column 2 against item r8 the existing entry shall be substituted by "Head Clerk"
- (ii) in column 2 against item No. 47 the existing entry may be substituted by "Viewer, Quality Marking".
- (iii) in column 2 against item No. 54 the existing entry may be substituted by "Turner-cum-Machinist Welder".



## (xiii) Under the heading "Courts"—

- (i) In column 2 against item No. 14 the second entry "Sheristadar, Sub-Judges Court" shall be substituted by "Sheristadar, Munsiff's Court".
- (ii) In column 2 against item No. 14 the existing entry "Sessions Clerk, Additional Sub-Judge's Court" shall be substituted by "Sessions Clerk, District and Sessions Judge's Court".
- (iii) In column 2 against item No. 16 the existing entry "Bench Clerk, District Judge's Court" shall be deleted and the following entries made after the existing entries at item No. 29 in columns 1, 2, 3 and 4:—

30. Bench Clerk District Judge's Court. Rs. 130—5—180/- Rs. 200—10—300/-.

- (iv) in column 2 against item No. 16 the existing entry "Additional Bench Clerk, District Judge's Court" shall be deleted and inserted in column 2 against item No. 17.

- (vii) After the existing entries under the sub-heading "Excise Department" under the heading "District Administration" and before the heading "Statistical Department" the following entries shall be inserted:—

*"Director of Land Records and Surveys"*

1. Senior Accounts Clerk Rs. 80—4—124—E.B.—160—5—180/- Rs. 150—5—195—E.B.—5—250/-.
2. Lower Division Clerk Rs. 55—3—88—E.B.—3—118—4—130/- Rs. 125—3—140—4—156—E.B.—4—200/-.
3. Peon Rs. 20—1/4—25/- Rs. 60—1/4—65—1—75/-.

- (v) Under the heading "Motor Vehicles Registering Authority" the existing entry in column 3 against item No. 1 shall be substituted by "Rs. 300—15—480—20—500/-".

- (xvi) Under the heading "Directorate of Agriculture" after item No. 37 the following entries shall be inserted under columns 1, 2, 3 and 4:—

38. Compost Supervisor Rs. 150—5—200/- Rs. 175—7—238—E.B.—7—245—8—325/-.
39. Mechanic (Plant Protection) Boilerman. Rs. 50—2—60—3—75/- Rs. 100—3—136—4—140/-.
40. Ploughman-cum-Mali Rs. 30—1/4—35—1—36—E.B.—1—45 Rs. 65—1—85/-
41. Survey Khalashi Rs. 20—1/4—25/- Rs. 60—1/4—65—1—75/-
42. Village Level Worker (i) Rs. 70—3—103—E.B.—3—118—4—150/- for Basic trained (i) Rs. 125—3—140—4—156—E.B.—4—200/- for Basic trained
- (ii) Rs. 50—1—61—E.B.—1—68—2—80/- for untrained (ii) Rs. 100—3—136—4—140/- for untrained
43. Assistant Soil Chemist Rs. 350—30—620—E.B.—30—800/- Rs. 300—30—510—E.B.—30—750—E.B.—30—900/-

- (xvii) Under the heading "Directorate of Agriculture" in column 2 against item No. 35 the words "Laboratory Assistant" shall be substituted by "Laboratory Attendant".

- (viii) Under the heading "Rehabilitation Department"

- (i) after item No. 16 the following entries shall be inserted in column 1, 2, 3 and 4:—

17. Internal Auditor Rs. 130—5—180/- Rs. 100—10—300/-
18. Surveyor Rs. 100—225 Rs. 175—7—238—E.B.—7—245—8—325/-.

- (ii) in column 5 against item No. 15 the words "The post of Surveyor shall be re-designated as Junior Surveyor." shall be inserted

- (xix) Under the heading "Excise Department" against item No. 96 the existing entries in columns 3 and 4 shall be substituted by "Rs. 80—180" and "Rs. 150—5—195—E.B.—4—250—" respectively.

- (xx) Under the heading "District Administration (Land Revenue Settlement)" the existing entry in column 3 against item No. 18 shall be substituted by "Rs. 40—1—60/-"



**S.O. 1725.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Tripura Employees (Revision of Pay and Allowances) Rules, 1963, namely:—

1. (i) These rules may be called the Tripura Employees (Revision of Pay and Allowances) Amendment Rules, 1967.

(ii) These shall be deemed to have come into force from the date of issue of this notification.

2. In Part II of Schedule I to the Tripura Employees (Revision of Pay and Allowances) Rules, 1963,—

(i) In column 3, against entry No. 14, under the heading “Secretariat (Erstwhile Tripura Territorial Council)” the following entries shall be inserted after the scale shown therein.—

Rs. 32/- Fixed.

Rs. 30/- Fixed.

(ii) Under the heading “Animal Husbandry Department (Erstwhile Tripura Territorial Council)” after item No. 34, the following entries shall be inserted under column 1, 2, 3 and 4 respectively.—

35. Dairy Mechanic . Rs. 100—4—180—5—200. Rs. 140—5—210.

36. Assistant Dairy Mechanic. Rs. 80—4—120—5—150. Rs. 125—3—140—4—200 (with higher initial start at Rs. 134/- i.e. the 4th stage of time scale.)

(iii) In column 2 against the entry No. 2, under the heading “Medical and Public Health Department (Erstwhile Tripura Territorial Council)” the words “C.A.S. Grade I” shall be deleted.

(iv) Under the heading “Medical and Public Health Department (Erstwhile Tripura Territorial Council)”, the scale of pay of Rs. 55—3—88—EB—3—118—4—130 shown in column 3 against item No. 31, shall be substituted by the following scales of pay:—

(i) Rs. 55—1—58—2—100.

(ii) Rs. 50—5—75—3—100.

(iii) Rs. 55—3—100.

(v) Under the heading “Public Health Department (Erstwhile Tripura Territorial Council)” for the existing entries against items Nos. 12 and 13 the following entries shall be inserted under columns 1, 2, 3 and 4 respectively:—

12. Field worker (superior) Rs. 25/- fixed Rs. 60— $\frac{1}{2}$ —65—1—75.

13. Field worker (Ordinary) (i) Rs. 50/- consolidated (for seasonal). Rs. 60— $\frac{1}{2}$ —65—1—75.

(ii) Rs. 20— $\frac{1}{2}$ —25 (for regular).

(vi) Under the heading “Public Health Department (Erstwhile Tripura Territorial Council)” after item No. 23, the following entries shall be inserted under columns 1, 2, 3 and 4 respectively:—

24. Technicians . Rs. 90—4—130. Rs. 125—3—140—4—156—EB—4—200. (with higher initial start at Rs. 164/-).

25. Drivers . Rs. 70—3—105. Rs. 100—3—136—4—140 (with grade I posts at 15 % of the cadre on Rs. 110—4—170 in offices where the number of vehicles is 20 or more).  
Rs. 50—2—60—3—75.

26. Senior Vaccinator . Rs. 90—4—130. Rs. 125—3—140—4—156—EB—4—200 (with higher initial start at Rs. 164/-).

27. Store-keeper-cum-Compounder Rs. 80—4—100—5—125. Rs. 125—3—140—4—156—EB—4—200 (to be redesignated as Compounder).



(vii) (a) Under the heading "Education Department (Erstwhile Tripura Territorial Council)" against item No. 14, in column No. 3, the following entries shall be inserted for the existing entries:—

- (i) Rs. 110—5—205—EB—5—215—10—225 (for Headmaster, Junior High School).
- (ii) Rs. 100—5—160 plus special pay of Rs. 40/- p.m. (for Head Masters, Senior Basic School).

(b) In column 5 against the aforesaid item No. 14, the following entries shall be inserted:—

"A Special Pay of Rs. 40/- p.m. shall be admissible to those who are trained graduates."

(c) Under the heading "Education Department (Erstwhile Tripura Territorial Council)", against item No. 15, the following entries shall be inserted in column 3, below the existing entries:—

- (ii) Rs. 100—5—160.

(d) Under the heading "Education Department (Erstwhile Tripura Territorial Council)", against item No. 16, the following entries shall be inserted in column below the existing entries:—

- (ii) Rs. 55—3—91—EB—3—118—4—130.

(e) Under the heading "Education Department (Erstwhile Tripura Territorial Council)" against item No. 17, the following entries shall be inserted in column, 3 above the existing entry.

Rs. 100—5—160—EB—5—215—10—225.

(f) In column 5 against the aforesaid item No. 17, the following entries shall be inserted for the existing entries:—

"For persons with a first class of the craft Teacher's Training Institute, Agartala or a person with a diploma/certificate of a 4 years course from any recognised institution of Arts and Crafts or a Matriculate with a diploma of at least two years from any other institution."

(g) Under the heading "Education Department, Tripura Territorial Council", against item 18, the following entries shall be inserted in column 3 above the existing entry:—

Rs. 70—3—103—EB—3—118—4—130.

(h) Under the heading "Education Department, Tripura Territorial Council", against item No. 26, the following entries shall be inserted in column 3 above the existing entry:—

Rs. 75—3—105.

(i) Under the heading "Education Department, Tripura Territorial Council" against item No. 28 the following entries shall be inserted in column 3 below the existing entry:—

- (ii) Rs. 30/- fixed.
- (iii) Rs. 25/- fixed.

(j) Under the heading "Education Department, Tripura Territorial Council" against item 33, for the existing entries in column 4, the following entries shall be inserted:—

- (i) Rs. 175—7—238—EB—7—245—8—325.
- (ii) Rs. 125—3—140—4—156—EB—4—200.

(ii) In column 5 against the aforesaid item No. 33, the following entries shall be inserted:—

- (i) For persons with at least 3 years diploma from a recognised institution in music.
- (ii) For persons with practical experience only.

(viii) Under the heading "Education Department (Erstwhile Tripura Territorial Council)", after item No. 33, the following entries shall be inserted under columns 1, 2, 3 and 4 respectively:—

- |  |                        |  |
|--|------------------------|--|
| 34. Special Officer Pilot Project.       | Rs. 200—10—420—15—450. | Rs. 275—15—350—20—390—EB—20—550—EB—20—650. |
| 35. Headmaster, Tripura Loka Shikshalya. | Rs. 200—10—420—15—450. | Rs. 250—15—355—EB—15—475—EB—15—550.        |



36. Physical Instructor (Other than Graduate).	(i) Rs. 70-3-103-EB-3-118-4-150. (ii) Rs. 70-3-118-4-130.	Rs. 125-3-140-4-156-EB-4-200.
37. Instructor, Shorthand & Typewriting.	Rs. 100-5-160-EB-5-215-10-225.	Rs. 175-7-238-EB-7-245-8-325.
38. Demonstrator.	Rs. 100-5-160-EB-5-215-10-225.	Rs. 175-7-238-EB-7-245-8-325.
39. Laboratory Attendant.	Rs. 35-1-80	Rs. 65-1-85
40. Head Master/Head Mistress, Primary and Junior Basic Schools.	(i) Rs. 100-5-160-EB-5-215-10-255 (for trained graduates). (ii) Rs. 100-5-160 (For trained graduate). (iii) Rs. 55-3-91-EB-3-118-4-130. (plus special pay of Rs. 15/- p.m. for trained Matric and above). (iv) Rs. 55-3-91-EB-3-118-4-130 (Plus special pay of Rs. 15/- p.m. for trained non-matric). (v) Rs. 35-4/2-75-5/2-80 plus special pay of Rs. 15/- p.m. (for untrained, non-matric).	(i) Rs. 175-7-238-EB-7-245-8-325 plus a special pay of Rs. 15/- p.m. (ii) Rs. 175-7-238-EB-7-245-8-325 (plus a special pay of Rs. 15/- p.m. (iii) Rs. 125-3-140-4-156-EB-4-200 (plus special pay of Rs. 15/- p.m. for trained Matric and above.) (iv) Rs. 125-3-140-4-156-EB-4-200 plus special pay of Rs. 15/- p.m. (v) Rs. 100-3-136-4-140. (The future entrants to this post shall at least be matriculate plus a special pay of Rs. 15/-) p.m.
41. Matron	Rs. 35-1-80.	Rs. 80-1-85-2-105.
42. Store Keeper	Rs. 55-3-91-EB-3-118-4-130.	Rs. 125-3-140-4-156-EB-4-200.
43. Technical Assistant	Rs. 125-5-240-10-250.	Rs. 175-7-238-EB-7-245-8-325. (for graduates with statistical experience.)
44. Assistant Teacher (untrained graduate).	(i) Rs. 100/- Fixed in the scale of Rs. 100-5-160-EB-5-215-10-225. (ii) Rs. 100/- fixed in the scale of Rs. 100-5-160. (iii) Rs. 100/- fixed in the scale of Rs. 55-3-91-EB-3-118-4-130.	Rs. 175/- Fixed.
45. Assistant Teacher (Matric Untrained).	Rs. 55-3-91-EB-3-118-4-130.	
46. Classical teacher Pandit/Maulvi.	Rs. 70-3-103-EB-3-118-4-150 (for matric with diploma in the language concerned). (ii) Rs. 55-3-91-EB-3-118-4-130 (for non-matric with Diploma in the language concerned).	
47. Planning and Statistical Assistant.	Rs. 100-5-160-EB-5-215-10-225.	Rs. 175-7-238-EB-7-245-8-325.
48. Assistant Teacher (Non-matric trained).	Rs. 55-3-91-EB-3-118-4-130.	Rs. 125-3-140-4-156-EB-4-200 (for existing employees only).
49. Assistant Teacher (Non-matric untrained).	Rs. 35-4/2-75-5/2-80.	Rs. 100-3-136-4-140. (personal to the existing employees only)



50. Supervisors	Rs. 100—5—160—EB—5—215 —10—225.	Rs. 175—7—238—EB—7—245— 8—325.
51. Asstt. Teacher		
(i) Music	(i) Rs. 100—5—160—EB—5— 215—10—225.	} Rs. 175—7—238—EB—7—245— 8—325 (for matriculate with diploma from a re- cognised Institution).  Rs. 125—3—140—4—156—EB— 4—200 (for others with practical experience only).
(ii) Tabalchi	(ii) Rs. 100—5—160—EB—5— 215—10—225.	
(iii) Music Teacher	(iii) Rs. 55—3—91—EB— —4—130.	
(iv) Instructor (for Ins- trumental Music).	(iv) Rs. 55—3—91—EB— 118—4—130.	
52. Drawing Teacher	Rs. 55—3—91—EB—3—118—4 —130.	Rs. 125—3—140—4—156—EB— 4—200.
53. Mechanic	Rs. 50—2—60—3—75.	Rs. 100—3—124.
54. Inspectors	Rs. 130—5—180.	Rs. 200—10—300.
55. Mechanical instructor	Rs. 55—3—91—EB—3—118—4 130. (with five advance in- crements.)	Rs. 125—3—140—4—156—EB— 4—200 (with higher initial start at Rs. 134/- i.e. the 4th stage of the time scale.
56. Rehabilitation Officer	Rs. 250—10—350.	Rs. 250—15—400.

(iv) Under the heading "Engineering Department (earstwhile Tripura Territorial Council)" in columns 2 against item No. 14, the following entries shall also be inserted before the existing entry :—  
"Overseer and"

(x) Under the heading "Engineering Department (Tripura Territorial Council)" in columns 2 and 3 against item No. 15, the following entries shall be inserted respectively for the existing entries.

- (i) Draftsman Grade II . . . . . (i) Rs. 125—5—180—EB—5—240—10—250  
(Persons with qualifications of Overseers).  
(ii) Rs. 100—5—155—EB—5—215—10—  
225 (for persons with qualifications of  
sub-overseers.)
- (ii) Draftsman Grade III . . . . . Rs. 80—4—124—EB—4—160—5—180.  
(for person with pass certificate from the  
Government College of Arts and for  
persons with practical experience only).

(xi) Under the heading "Engineering Department (earstwhile Tripura Territorial Council)" after item No. 31, the following entries shall be inserted in columns 1, 2, 3 and 4 respectively :—

32. Sub-Overseers . . . . . Rs. 100—5—155—EB—5—215  
—10—225. Rs. 175—7—238—EB—7—245—  
8—325. (for persons with  
qualification of Sub-Overseer.)

[No. 2/17/67—HMT(ii).]

V. P. MALHOTRA, Dy. Secy.

New Delhi, the 10th May 1967

**S.O. 1726.**—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 60, dated the 8th January, 1963, relating to the appointment of a Compensation Tribunal for the State of Bihar, namely:—

In the said notification, for item 1 and the entries relating thereto, the following shall be substituted, namely:—

"1. Shri Sris Chandra Lala, District and Sessions Judge, Patna, and"

[No. F. 4/5/65-Poll(Spl.).]



**S.O. 1727.**—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1185, dated the 12th July, 1963, relating to the appointment of a Compensation Tribunal for the State of Jammu and Kashmir, namely:—

In the said notification, for item 2 and the entries relating thereto, the following shall be substituted, namely:—

"2. Shri P. P. Kaistha, Inspecting Assistant Commissioner of Income-tax, Jammu".

[No. F. 4/5/65-Poll(Spl.).]

**S.O. 1728.**—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 860, dated the 17th May, 1963, relating to the appointment of a Compensation Tribunal for the State of Madhya Pradesh, namely:—

In the said notification, for item 1 and the entries relating thereto, the following shall be substituted, namely:—

"1. Shri M. L. Malik, District and Sessions, Judge, Gwalior, and".

[No. F. 4/5/65-Poll(Spl.).]

**S.O. 1729.**—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1810, dated the 27th December, 1962, relating to the appointment of a Compensation Tribunal for the State of Punjab, namely:—

"1. Shri Charan Singh Tiwana, Additional District and Sessions Judge, Ambala, and."

[No. F. 4/5/65-Poll(Spl.).]

**S.O. 1730.**—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 520, dated the 22nd March, 1963, relating to the appointment of a Compensation Tribunal for the Union Territory of Tripura, namely:—

In the said notification, for item 1 and the entries relating thereto, the following shall be substituted, namely:—

"1. Shri S. B. Laskar, District and Sessions Judge, Agartala, and".

[No. F. 4/5/65-Poll(Spl.).]

**S.O. 1731.**—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 521, dated the 22nd March, 1963, relating to the appointment of a Compensation Tribunal for the Union Territory of Manipur, namely:—

In the said notification, for item 1 and the entries relating thereto, the following shall be substituted, namely:—

"1. Shri O. Thambal Singh, District and Sessions Judge, Imphal, and."

[No. F. 4/5/65-Poll(Spl.).]

**S.O. 1732.**—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1809, dated the 27th December, 1962, relating to the appointment of a Compensation Tribunal for the State of Assam, namely:—

In the said notification, for item 2 and the entries relating thereto, the following shall be substituted, namely:—

"2. Shri C. N. Das, Appellate Assistant Commissioner of Income-tax, Gauhati".

[No. F. 4/5/65-Poll(Spl.).]



**S.O. 1733.**—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1437, dated the 27th August, 1963, relating to the appointment of a Compensation Tribunal for the State of Mysore, namely:—

In the said notification, for item 2 and the entries relating thereto, the following shall be substituted, namely:—

"2. Shri B. A. Shariff, Inspecting Assistant Commissioner of Income-tax, Bangalore".

[No. F. 4/5/65-Poll.(Spl.).]

**S.O. 1734.**—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 606, dated the 3rd April, 1963, relating to the appointment of a Compensation Tribunal for the State of Andhra Pradesh, namely:—

In the said notification, for item 2 and the entries relating thereto, the following shall be substituted, namely:—

"2. Shri C. Rajagopalan Nair, Inspecting Assistant Commissioner, Hyderabad".

[No. F. 4/5/65-Poll.(Spl.).]

**S.O. 1735.**—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 519, dated the 22nd March, 1963, relating to the appointment of a Compensation Tribunal for the State of Orissa, namely:—

In the said notification, for item 1 and the entries relating thereto, the following shall be substituted, namely:—

"1. Shri S. K. Mohapatra, Joint Secretary to the Government of Orissa, Law Department, Bhubaneswar, and".

[No. F. 4/5/67-Poll.(Spl.).]

N. VITTAL, Under Secy.

## MINISTRY OF FINANCE (DEFENCE)

### CORRIGENDUM

*New Delhi, the 6th May 1967*

**S.O. 1736.**—In the notification of the Government of India in the Ministry of Finance (Defence) No. C/J/1/16, dated the 25th March, 1967, in the preamble, for "rule 33" substitute "rule 34".

[No. C./J/1/16.]

SANJIB MUKHERJI,

Asstt. Financial Adviser.

## MINISTRY OF FINANCE

(Department of Economic Affairs)

*New Delhi, the 11th May 1967*

**S.O. 1737.**—In pursuance of sub-section (1) of section 46A of the State Financial Corporations Act, 1951 (63 of 1951), the Central Government hereby notifies that the Gujarat State Financial Corporation established for the State of Gujarat shall with effect from the date of issue of this notification in the Official Gazette, serve the needs of the State of Gujarat and the Union Territory of Dadra and Nagar Haveli in terms of the agreement, dated the 19th January, 1967, entered into between the Governor of Gujarat and the President of India after consultation with the Reserve Bank of India and published in the Official Gazette of the State of Gujarat and the Gazette of India on the 23rd February, 1967 and the 25th February, 1967, respectively.

[No. F. 6(27)Corp./64.]

M. K. VENKATACHALAM,  
Director (Investments).



## (Department of Economic Affairs)

New Delhi, the 12th May 1967

S.O. 1738. —Statement of the Affairs of the Reserve Bank of India as on the 5th May, 1967

## BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up . . . .	5,00,00,000	Notes . . . . .	34,04,01,000
		Rupee Coin . . . . .	3,42,000
Reserve Fund	80,00,00,000	Small Coin . . . . .	3,79,000
National Agricultural Credit (Long Term Operations) Fund . . . .	115,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills . . . . .	218,53,68,000
National Agricultural Credit (Stabilisation) Fund . . . . .	16,00,00,000	Balances Held Abroad* . . . . .	41,64,42,000
National Industrial Credit (Long Term Operations) Fund . . . . .	20,00,00,000	Investments** . . . . .	185,80,32,000
		Loans and Advances to :—	
		(i) Central Government . . . . .	
		(ii) State Governments @ . . . . .	108,85,94,000



LIABILITIES	Rs.	ASSETS	Rs.
Deposits :—		Loans and Advances to :—	
(a) Government—		(i) Scheduled Commercial Banks†	46,77,15,000
(i) Central Government . . . . .	77,90,39,000	(ii) State Co-operative Banks††	136,70,19,000
(ii) State Governments . . . . .	12,57,26,000	(iii) Others . . . . .	3,00,40,000
(b) Banks —		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(i) Scheduled Commercial Banks . . . . .	115,24,24,000	(a) Loans and Advances to :—	
(ii) Scheduled State Co-operative Banks . . . . .	5,26,03,000	(i) State Governments . . . . .	28,29,59,000
(iii) Non-Scheduled State Co-operative Banks . . . . .	59,01,000	(ii) State Co-operative Banks . . . . .	11,18,34,000
(iv) Other Banks . . . . .	7,00,000	(iii) Central Land Mortgage Banks . . . . .	..
(c) Others . . . . .	272,70,88,000	(b) Investment in Central Land Mortgage Bank Debentures . . . . .	7,11,93,000
Bills Payable . . . . .	31,80,39,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
Other Liabilities . . . . .	118,42,07,000	Loans and Advances to State Co-operative Banks . . . . .	3,02,76,000
Rupees . . . . .	870,57,27,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
		(a) Loans and Advances to the Development Bank . . . . .	5,24,15,000
		(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
		Other Assets . . . . .	40,27,18,000
		Rupees . . . . .	870,57,27,000

\*Includes Cash and Short-term Securities.

\*\*Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

③ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 26,54,90,000 advanced to Scheduled Commercial Banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 10th day of May, 1967.



An account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 5th day of May, 1967  
ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department			Gold Coin and Bullion :—		
Notes in Circulation	34,04,01,000		(a) Held in India	115,89,25,000	
	3099,68,65,000		(b) Held outside India	..	
Total Notes issued		3133,72,66,000	Foreign Securities	186,42,01,000	
			TOTAL		302,31,26,000
			Rupee Coin		71,49,81,000
			Government of India Rupee Securities		2759,91,59,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		3133,72,66,000	TOTAL ASSETS		3133 72,66,000

Dated the 10th day of May, 1967.

B. N. ADARKAR,  
Dy. Governor.

[No. F. 3(3 -BC/67)]  
V. Swaminathan Under Secy.



## (Department of Revenue and Insurance)

## INCOME-TAX

*New Delhi, the 28th April 1967*

**S.O. 1739.**—In exercise of the powers conferred by sub-section (6) of Section 88 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Shri Purushotamaperumal Temple, Nangoor, Madras to be a place of worship of renown throughout the State of Madras.

[No. 30/F. No. 16/10/67-IT(AI).]

**S.O. 1740.**—In exercise of the powers conferred by sub-section (6) of Section 88 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Sri Parthasarathy Swamy Devasthanam, Triplicane, Madras to be of historic importance and also as a place of public worship of renown throughout the State of Madras.

[No. 31/F. No. 16/10/67-IT(AI) ]

*New Delhi, the 8th May 1967*

**S.O. 1741.**—In exercise of the powers conferred by sub-section (6) of Section 88 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Sri Mogileswara Swamy Temple Trustee Board, Mogili, Andhra Pradesh to be a place of public worship of renown throughout the Andhra Pradesh for the purpose of the said section.

[No. 33/F. No. 16/21/66-IT(AI).]

J. C. KALRA, Dy. Secy.

**OFFICE OF THE COLLECTOR OF CUSTOMS & CENTRAL EXCISE, SHILLONG***Shillong, the 28th April 1967*

**S.O. 1742.**—I hereby authorise and empower all Asstt. Collectors of Central Excise of this Collectorate to exercise within their respective jurisdiction, the powers to grant permissions to the manufacturers of exercisable goods not to make entries in R.G. 1/E.B. 4 accounts in accordance with Rule 47 and in relaxation of Rule 53 of the Central Excise Rules, 1944, on the dates when there is no production, receipt in store room or clearance of the particular excisable goods, provided the manufacturers declare that no transaction has taken place or would take place on any date for which no entries are made and also undertake to make entries as and when such transaction takes place.

[No. 3/CE/67.]

**CENTRAL EXCISES***Shillong the, 1st May 1967*

**S.O. 1743.**—In pursuance of Rules 197 and 199 of the Central Excise Rules, 1944, I hereby authorise and empower all officers of and above the rank of Sub-Inspectors of Central Excise to exercise within their respective jurisdiction the powers specified in the aforesaid Rules.

In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944 I empower all the Superintendents of Central Excise in Shillong Collectorate to grant refund of duty etc. in the following cases.

Sl. No.	Nature of refund	Monetary limits if any
(1)	(2)	(3)
1	Refund of licence fee on rejected applications	Nil
2	Refund on unused for damaged Central Excise-Labels and unused Central Excise Revenue stamps	Nil
3	Refund of excess licence fee paid	Nil



In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, I hereby, empower the Central Excise Officers specified in Col. 3 of the Table hereto annexed to exercise within respective jurisdiction the power of a Collector under the provisions of the said Rules shown against each Officer in column 2 of the Table, subject to the restrictions and limitations set out in Col. 4 thereof.

TABLE

Sl. No.	Central Excise Rule No.	Collector's powers delegated to officers not below the rank of	Restriction and limitations if any	Remarks
1	2	3	4	5
1	3	Superintendent		
2	9	Asstt. Collector/Superintendent.	Subject to certain conditions which the Central Board of Excise & Customs and Collector may impose. In so far as Superintendent is concerned power is limited, for according permission to open an account current in respect of VNE Oils manufactures subject to the condition that account current may be maintained in the name of the Collector.	
3	9-B (2) & (3)	Superintendent.		
4	(a) 12 (Proviso) (b) Provisos (III) and (vii) to Note I below Rule 12 (c) Proviso (v) to Note I below Rule 12.	Asstt. Collector Superintendent Asstt. Collector.	Subject to certain conditions which the Central Board of Excise & Customs or the Collector may impose.	
5	(a) Sub-Rules (3), (6) and (7) of Rule 12A. (b) Proviso (2) and paras 3(h) and 4 of Appendix to Govt. of India MF.(DR) Notification No. 62/58-CE dt. 21-6-58 (Note to Rule 12A) (c) Proviso to para 5 of Appendix to Govt. of India M. F. (DR) Notification No. 62/58-CE dated 21-6-58 (i.e. Note to Rule 12A)	Asstt. Collector. Asstt. Collector. Assistant Collector	Powers to condone delays in presentation of rebate claims upto a period of fifteen days after the expiry of 3 months from the date of export.	
6	(a) 13 (b) 13	Superintendent. Asstt. Collector	Power is limited to acceptance of bonds. Power is limited to admission of proof of export and to relax the time limit for exportation and presentation of duplicate/triplicate A.R. 4s.	



1	2	3	4	5
7	14.	. . . Asstt. Collector		All powers including the relaxation of time limit for exportation and presentation of duplicate/triplicate A.R. 4s.
8	Rule 14A (c)	Proviso Asstt. Collector		In any individual case where the duty involved does not exceed Rs. 250/- (Rupees two hundred and fifty only).
9	(a) 27(1) (b) 27(4)	. . . Inspector. . . . Asstt. Collector		In any individual case, where the duty involved does not exceed Rs. 250/- (Rupees two hundred and fifty only).
10	38.	. . . Superintendent		Subject to certain conditions which the Central Board of Excise & Customs or the Collector may impose.
11	43.	. . . Licensing Authority		Subject to the conditions which the Central Board of Excise & Customs or the Collector may impose.
12	44.	. . . Licensing Authority		Subject to the conditions which the Central Board of Excise & Customs or the Collector may impose.
13	46.	. . . Licensing Authority		Subject to the conditions which the Central Board of Excise & Customs, or the Collector may impose.
14	(a) 47(1) (b) 47(3)	. . . Superintendent. . . . Licensing Authority		Subject to the conditions which the Central Board of Excise & Customs, or the Collector may impose.
15	48.	. . . Licensing Authority		Subject to the conditions which the Central Board of Excise & Customs, or the Collector may impose.
16	51.	. . . Asstt. Collector		
17	52.	. . . Licensing Authority		Subject to the conditions which the Central Board of Excise & Customs or the Collector may impose.
18	56-A(2)	. . . Asstt. Collector		
19	57(d)	. . . Licensing Authority		Subject to the conditions the Central Board of Excise & Customs or the Collector may impose.
20	65(3) & (4)	. . . Asstt. Collector.		
21	71(3)	. . . Superintendents.		
22	75.	. . . Asstt. Collector		Subject to certain conditions which the Central Board of Excise & Customs or the Collector may impose.



1	2	3	4	5
23	(a) 92A(1)	Superintendent	To accept first ASP application for full period for which special procedure can be availed of.	
	(b) 92A(2)	Superintendent	To accept first ASP application for a period less than the prescribed period.	
	(c) 92A(3)	Asstt. Collector	To determine the period for which a manufacturer may be precluded from working under the spl. procedure for failure to avail of such procedure during the period for which permission has been granted to him.	
	(d) 92A(4)	Superintendent/Asstt. Collector.	Superintendent: To accept renewal application in form ASP and to condone delay in submission of ASP application for renewal in the case of delays not exceeding 15 days. Asstt. Collector: To condone delay in submission of ASP application for renewal in cases of delays exceeding 15 days.	
24	92B(3)	Superintendent	To sanction refund of initial deposit paid under compounded levy scheme upto Rs. 500/- (Rupees Five hundred only).	
25	92C(2)	Superintendent/Asstt. Collector.	Superintendent: To condone delays in submission of application for removal in form AR6, AR7 and AR8, and to condone delays in making weekly, monthly, quarterly and annual deposits. (i) to condone delays not exceeding (i) Two days in the case of weekly applications & deposits (ii) Five days in the case of monthly/quarterly applications and monthly and quarterly deposits and (iii) Ten days in the case of annual applications and annual deposits. Asstt. Collector: To condone the delays exceeding the limit of the Superintendent.	
26	(a) 92E(i)	Officers competent to adjudicate an offence under the Central Excise and Salt Act, 1944 and C. E. Rules, 1944.	To demand duty at full rate.	
	(b) 92-E (ii)	Do.		
	(c) 93-E (iv)	Do.	To confiscate goods. To impose penalty not exceeding Rs. 2000/- (Rupees Two Thousand only).	
	(d) 92-E (iii)	Asstt. Collector	To debar a manufacturer from availing of special procedure.	



1	2	3	4	5
27	93(b)	Asstt. Collector	The face of approval to be reported to the Collector.	
28	(a) 96I(1)	Superintendent	To accept first ASP application for full period for which special procedure can be availed of.	
	(b) 96I(2)	Asstt. Collector	To accept first ASP application for a period less than the prescribed period.	
	(c) 96I(3)	Asstt. Collector	To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to avail of such procedure during the period for which permission has been granted to him.	
	(d) 96I(4)	Asstt. Collector/ Superintendent.	Asstt. Collector: To condone delay in submission of ASP application for renewal in cases of delays exceeding 15 days. Superintendent: (a) To accept renewal applications in form ASP and (b) to condone delay in submission of ASP application for renewal in the case of delay not exceeding 15 days.	
29	96I(2)	Asstt. Collector/ Superintendent.	Asstt. Collector: To condone delays exceeding the limits of Superintendents. Superintendent: To condone delay in submission of application for renewal in form AR6, AR7 and AR8 and to condone delays in making weekly/monthly/quarterly/annual deposits. (a) Provided that the Superintendent may condone the delay: (i) two days in the case of weekly applications and weekly deposits. (ii) five days in the case of monthly/quarterly deposits and (iii) ten days in the case of annual deposits.	
30	(a) 96M(i)	Officers competent to adjudicate an offence under the Central Excises and Salt Act, 1944 and Central Excise Rules, 1944	To demand duty at full rate.	
	(b) 96M (ii)	Do.	To confiscate goods.	
	(c) 96 M (iii)	Do.	To impose penalty not exceeding Rs. 2000 (Rs. two thousand only).	



1	2	3	4	5
31	96MM . . .	Superintendent	.	Refund of initial deposit paid under compounded levy scheme upto Rs. 500 (Rupees five hundred only).
32	(a) 96-O (1) . . .	Superintendent	.	To accept first ASP application for full period for which special procedure can be availed of.
	(b) 96-O (2) . . .	Superintendent	.	To accept first ASP application for a period less than the prescribed period.
	(c) 96-O (3) . . .	Asstt. Collector	.	To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to avail of such procedure during the period for which permission has been granted to him.
	(d) 96-O (4) . . .	Asstt. Collector/ Superintendent.	.	Asstt. Collector: To condone delay in submission of ASP application for renewal in cases of delays exceeding 15 days.  Superintendent: (a) To accept renewal application in form ASP and (b) to condone delay in submission of ASP application for renewal in the case of delay not exceeding 15 days.
33	96P . . .	Superintendent	.	Refund of initial deposit paid under compounded levy scheme upto Rs. 500 (Rs. five hundred only).
34	96-Q(2) . . .	Asstt. Collector/ Superintendent.	.	Asstt. Collector: To condone the delays exceeding the limit of the Superintendent.  Superintendent: To condone delay in submission of application for renewal in forms AR6, AR7 and AR8 and to condone delays in making weekly/monthly/quarterly/annual deposits.  (a) Provided that the Supdt. may condone delay:— (1) not exceeding two days in the case of weekly applications and deposits. (2) five days in the case of monthly/quarterly applications and monthly/quarterly deposits and (3) ten days in the case of annual applications and annual deposits.



I	2	3	4	5
35	(a) 96S (i)	Officers competent to adjudicate an offence under the Central Excises & Salt Act, 1944 and Central Excise Rules, 1944	To demand duty at full rate.	
	(b) 96S (ii)	Do.		To confiscate goods.
	(c) 96S (iv)	Do.		To impose penalty not exceeding Rs. 2000 (Rupees two thousand only).
	(d) 96S	Asstt. Collector		To debar a manufacturer from availing of special procedure.
36	(a) 96-V (1)	Superintendent		To accept ASP application for the full period of 6 months.
	(b) 96-V (2)	Asstt. Collector		To accept ASP application for a shorter period.
	(c) 96-V (3)	Asstt. Collector		To preclude to manufacturer from availing of the special procedure for a period of six months.
37	(a) 96Y (1)	Superintendent		To accept first ASP application for full period for which special procedure can be availed of.
	(b) 96Y (2)	Superintendent		To accept first ASP application for a period less than the prescribed period.
	(c) 96Y (3)	Asstt. Collector		To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to give proper notice for not availing of such procedure during the period for which permission has been granted to him.
	(d) 96Y (4)	Asstt. Collector/ Superintendent.		Asstt. Collector: To condone delays exceeding 15 days. Superintendent (a) To accept renewal applications in form ASP (b) to condone delay in submission of ASP application for renewal not exceeding 15 days.
38	96Z (2)	Asstt. Collector/ Superintendent.		Supdt.: To condone delay in submission of application for removal in form AR6 and to condone delays in making monthly deposits, provided the delay is not exceeding five days. Asstt. Collector: To condone delay in excess of Superintendents limits.



1	2	3	4	5
39	(a) 96ZZZ	(i) Officers competent to adjudicate an offence under Central Excise & Salt Act, 1944 and Central Excise Rules, 1944.	To demand duty in full rate.	
	(b) 96ZZZ	(ii) Do.	To confiscate goods.	
	(c) 96 ZZZ	(iv) Officers competent to adjudicate an offence under the Central Excise & Salt Act, 1944 and Central Excise Rules, 1944.	To impose penalty not exceeding Rs. 2000 (Rupees two thousand only)	
	(d) 96 ZZZ	(iii) Asstt. Collector	To debar a manufacturer from availing of special procedure.	
40	97.	Asstt. Collector.		
41	100	Asstt. Collector.		
42	140	Superintendent	To be exercised in respect of private bonded warehouses only.	
43	(a) 145 clause (a) of the first proviso.	Superintendent	To grant extension of warehousing for a period not exceeding one year as per clause (a) of first proviso to Rules 145.	
	(b) 145 clause (b) of the first proviso.	Asstt. Collector	To grant extension of warehousing for a further period not exceeding one year in addition to the extension granted under clause (a) of the first proviso.	
44	147	Asstt. Collector	Where the duty involved in each individual case does not exceed Rs. 250/- (Rupees two hundred and fifty only).	
45	153	Inspector.		
46	154	Superintendent.		
47	155	Officers who originally accept a bond under Rule 140 and 164.	The power shall not be exercised in the case of bonds executed by the keeper of a public bonded warehouse under Rule 140.	
48	165(2)	Superintendent.		
49	174	Asstt. Collector	To refuse grant of Central Excise licence in the case of powerlooms only.	
50	180	Licensing Authority	Subject to certain conditions which the Central Board of Excise & Customs or the Collector may impose.	
51	185(I)	Asstt. Collector.		
52	189	Asstt. Collector.		
53	189A	Superintendent.		



1	2	3	4	5
54	189-B . . .	Superintendent.		
55	191-A . . .	Asstt. Collector		All powers except the power in regard to the approval of formula of manufacture.
56	(a) 191-B and Note thereunder.	Asstt. Collector		All powers except the power in regard to the approval of formula of manufacture.
	(b) Note to Rule 191-B	Superintendent		Power of Collector in para 4 of Govt. of India, Ministry of Finance (Deptt. of Rev.) Notification No. 53/59 dated 9-5-59 and to carry out the requirements of para 5 of the said order.
57	192 . . .	Asstt. Collector		All powers except in regard to fixing the cost of supervisory staff.
58	193 . . .	Asstt. Collector		
59	200 . . .	All Officers . . .		Class IV Officers: powers under rule 200 shall not be exercised by an officer below the rank of a Sub-Inspector, in respect of manufactured products unless he is posted to a factory manufacturing such products and except within the premises and in the immediate neighbourhood of such factory.
60	206(3) . . .	Officers competent to adjudicate an offence under the Central Excises and Salt Act 1944 and C.E. Rules, 1944.		Bond in form B. II (Sec.) may be accepted by the superintendent concerned.
61	210-A . . .	Asstt. Collector/ Superintendent.		Asstt. Collector: Where the value of the goods does not exceed Rs. 5000 (Rupees five thousand only) and the amount of composition fee that can be accepted does not exceed Rs. 750 (Rupees Seven hundred and fifty only).  Superintendent: Where the value of the goods does not exceed Rs. 1000 (Rupees one thousand only) and the amount of composition fee that can be accepted does not exceed Rs. 250/- (Rupees two hundred and fifty only).
62	212 . . .	Superintendent		Superintendent: Destruction of confiscated tobacco not exceeding 93 Quintals in each case, which due to its deteriorated condition fails to attract bidders to purchase it either on payment of duty or for rewarehousing.



1	2	3	4	5
63	212-A . . .	Asstt. Collector/ Superintendent	Asstt. Collector: Powers to be exercised only in respect of goods adjudged to be confiscated by Assistant Collector.  Superintendent: Power to be exercised only in respect of goods adjudged to be confiscated by the Superintendent.	
64	223-A . . .	Asstt. Collector		
65	224(I) . . .	Superintendent.		
66	230 . . .	Asstt. Collector	Subject to certain conditions which the Board or the Collector may impose.	

[No. 2/CE/67.]

A. K. BANDYOPADHYAY, Collector.

## OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BANGALORE

## ERRATA

In the notification No. 3/66, dated 6th October, 1966 of the office of the Collector of Central Excise, Bangalore, published as S.O. 3468 in the Gazette of India Part II—Sec. 3(ii), dated 19th November, 1966, the following corrections are to be made:—

## 1. At page 3141—

Against Sl. No. 3 of Tumkur Distt.—  
for “3 Kungia Taluk” read “Kunigal Taluk”.

## 2. At page 3144—

(i) Sl. No. 5 & 6 of Bellary Distt., viz., Kampli Firka and Kamalapur Firka may be read to be included in Col. 4 against Inspector of Central Excise, Gangavathi.

(ii) Against Sl. No. 4, India Taluk of Bijapur Distt., the village “Cnadachan” in Col. No. 3 should read as “Chadachan”.

## 3. At page 3145.—

Sl. No. 1, Byadigi Taluk and the 5 villages mentioned in Col. 3 of Byadigi Taluk of Dharwar Distt., may be read to be included in Col. 4 against Inspector of Central Excise, Byadigi.

## MINISTRY OF COMMERCE

New Delhi, the 6th May 1967

**S.O. 1744.**—In exercise of the powers conferred by section 26 to the Coir Industry Act, 1953 (45 of 1953), the Central Government hereby makes the following rules further to amend the Coir Industry Rules, 1954, the same having been previously published as required by sub-section (1) of that section, namely:

## Rules

1. These rules may be called the Coir Industry (Amendment) Rules, 1967.



2. In the Coir Industry Rules, 1954, for the proviso to rule 17, the following proviso shall be substituted, namely—

"Provided that no loan other than a loan from the Central Government or any State Government shall be taken, which is repayable later than six months from the date of the loan".

[No. F. 22(22)/66-TEX.(E).]

A. G. V. SUBRAHMANYAM, Under Secy.

(Office of the Dy. Chief Controller of Imports and Exports, Panjim—Goa)

#### ORDER

*Panjim, the 29th April 1967*

**S.O. 1745.**—M/s. V. S. Dempe & Co. Pvt. Ltd., Panjim-Goa were granted an import licence No. P/EI/0004568C/XX/23/C/G/23-24, dated 8th July, 1966. They have applied for a duplicate Customs Purposes Copy of the licence on the ground that the original copy of the Customs Purposes Copy of the licence has been lost or misplaced. It is further stated that the original licence was registered with Custom House, Marmagoa and partly utilised to the extent of Rs. 8,626.

In support of this contention, the applicant has filed an affidavit. I am satisfied that the original Customs Purposes Copy of the licence No. P/EI/0004568C/XX/23/C/G/23-24, dated 8th July, 1966, has been lost or misplaced. Accordingly, in exercise of the powers conferred by Clause 9(cc) of Imports (Control) Order 1955, as amended, I, K. Jayaraman, Deputy Chief Controller of Imports & Exports, Panjim-Goa, in the Ministry of Commerce, hereby cancel the original Customs Purposes Copy of import licence No. P/EI/0004568C/XX/23/C/G/23-24, dated 8th July, 1966.

The matter of issue of a duplicate Customs Purposes Copy of the licence is under consideration.

[No. EI/9-10-IV/2/AM67.]

K. JAYARAMAN,

Dy. Chief Controller of Imports & Exports.

(Office of the Chief Controller of Imports & Exports)

#### ORDERS

*New Delhi, the 6th May 1967*

**S.O. 1746.**—In exercise of the powers conferred by Clause 9 of the Import Control Order 1955, dated the 7th December, 1955, as amended, the undersigned hereby cancels the Customs Purposes Copy of Import Licence No. P/CC/2353381/C/XX/24/CH/23-24, dated the 5th November, 1966, for Rs. 4,50,000 (four lakhs and fifty thousand), issued to M/s. Indian Graphic Arts Equipments Co. Ltd., Jothi 6/36, Race Course, Coimbatore-1, for the import of Goss community web offset press No. C 459 and auxiliary equipment.

The reason for the cancellation is that Customs Purposes Copy has been lost/misplaced by the licensee, who has requested for the issue of duplicate licence in lieu thereof.

[No. I-6/67-V/66-67/NPCIA.]

*New Delhi, the 8th May 1967*

**S.O. 1747.**—M/s. Twardsven Electronics & Engineering Services, Bombay-5, were granted an Import Licence No. G/DG/2104664/C/EG/22/CH/20-22, dated 9th December, 1965, for Rs. 1879230, for the importation of Transreceivers, Transistorised Power Supply Units etc. It is stated that the original licence was registered with the Custom House at Bombay partly utilised leaving balances of Rs. 429901 and Rs. 440910 after 57½ per cent enhancement on account of devaluation, on the Customs Purposes Copy and Exchange Control Purposes Copy of licence respectively. The original licence is cancelled in lieu of a fresh licence being issued.

[No. 1-T/Cont/67-68/LVI/100.]

S. A. SESHAN,

Dy. Chief Controller of Imp. & Exp.



(Office of the Chief Controller of Imports & Exports)

ORDER

*New Delhi, the 11th May 1967*

**S.O. 1748.**—In exercise of the powers conferred by Clause 9 of the Import Control Order 1955, dated 7th December, 1955, as amended, the undersigned hereby cancels both the Customs Purposes Copy and Exchange Control Purposes Copy of Import Licence No. G/RC/2085817/IB/23/CH/22, dated 25th July, 1966, for the import of "Earth Resistance Tester etc." valued at Rs. 3213 issued in favour of M/s. Motwane Private Limited, 127 Mahatma Gandhi Road, Bombay.

The reason for the cancellation is that the party could not supply the material to the Railways and the Railway has therefore cancelled their order.

[No. 15-M/Rly/66-67/LVI/123.]

R. K. JOLLY,

Dy. Chief Controller of Imports & Exports.

**MINISTRY OF FOOD, AGRICULTURE, COMMUNITY  
DEVELOPMENT AND COOPERATION**

(Department of Cooperation)

*New Delhi, the 11th May 1967*

**S.O. 1749.**—In exercise of the powers conferred by section 5-B of the Multi-Unit Cooperative Societies Act, 1942 (6 of 1942) and in supersession of the Ministry of Food, Agriculture, Community Development and Cooperation notification No. 7-13/66-Credit, dated the 2nd January, 1967, the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the former Ministry of Community Development and Cooperation (Department of Cooperation), No. S.O. 1953, dated the 28th June, 1961, published at page 1555 of Part II, Section 3(ii) of the Gazette of India of the 8th July, 1961, namely:—

In the said notification against serial No. 2 for the entry "Shri C. N. Sastry" the entry "Shri E. V. Ram Reddi" shall be substituted.

[No. 7-13/66-Credit.]

V. V. NATHEN, Dy. Secy.

**MINISTRY OF HEALTH AND FAMILY PLANNING**

(Department of Health)

*New Delhi, the 11th May 1967*

**S.O. 1750.**—Whereas the University of Indore, has in pursuance of the Provisions of Clause (d) of section 3 of the Dentists Act, 1948 (16 of 1948) elected Dr. B. B. Ohri, Dean Faculty of Medicine of the University of Indore and Dean, Mahatma Gandhi Memorial Medical College, Indore, to be a member of the Dental Council of India with effect from the 16th March, 1967;

Now, therefore, in pursuance of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. F. 3-2/62-MII, dated the 17th October, 1962, namely:—

In the said notification, under the heading "Elected under clause (d) of section 3", after serial No. 11 and the entry relating thereto, the following serial number and entry shall be inserted, namely:—

"12. Dr. B. B. Ohri, Dean, Faculty of Medicine of the University of Indore and Dean, Mahatma Gandhi Memorial Medical College, Indore."

[No. F. 3-3/67-MPT.]



## ORDER

*New Delhi, the 11th May 1967*

**S.O. 1751.**—Whereas the Government of India in the late Ministry of Health has, by notification No. F. 16-15/61-MI, dated the 27th March, 1962 made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "Licenciado en Medicina Cirugia" granted by the University of Valencia (Spain) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the 1st December, 1965 or so long as Dr. Angeles Ercilla Vizcarra, who possesses the said qualification, continues to work in the Nazareth Hospital, Laitumkhrah, Shillong to which she is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practise of the said Dr. Angeles Ercilla Vizcarra shall be limited.

[No. 19-35/66-MPT.]

V. K. SAMANTROY, Under Secy.

**MINISTRY OF TRANSPORT AND SHIPPING**

(Transport Wing)

MERCHANT SHIPPING

*New Delhi, the 10th May 1967*

**S.O. 1752.**—In exercise of the powers conferred by rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Bombay) Rules, 1954, the Central Government hereby appoints Shri Leo Bernes as a member of the Seamen's Employment Office (Foreign going) at the Port of Bombay to represent seamen *vice* Shri I. B. Syed and makes the following amendment in the notification of the Government of India in the late Ministry of Transport (Transport Wing) No. S.O. 3731, dated the 25th November, 1965, namely:—

In the said notification, for the existing entry against serial No. 12, the following entry shall be substituted, namely:—

"Shri Leo Barnes".

[No. 15-MT(4)/65.]

B. B. LAL, Under Secy.

**MINISTRY OF TOURISM AND CIVIL AVIATION**

(Department of Tourism)

*New Delhi, the 4th May 1967*

**S.O. 1753.**—In pursuance of sub-clause (b) of clause 2 of the Imported Tourist Cars (Control) Order, 1961 and in supersession of the Notification of the Government of India in the Ministry of Transport and Aviation (Department of Transport, Shipping & Tourism) No. S.O. 3409, dated 3rd November, 1967, the Central Government hereby appoints Shri S. D. Khanna, Deputy Director General, Ministry of Tourism and Civil Aviation, Government of India, to be the Controller of Imported Tourist Cars for the purposes of the said Order.

[No. 4-TTA.I(58)/65.]

J. N. GOYAL, Jt. Secy.

**MINISTRY OF WORKS, HOUSING & SUPPLY**

(Department of Works &amp; Housing)

*New Delhi, the 1st May 1967*

**S.O. 1754.**—In exercise of the powers conferred by sub-section (2) of section 52 of the Delhi Development Act, 1957 (61 of 1957) and in supersession of the



Government of India in the Ministry of Works, Housing & Urban Development/ Supply Notifications No. 18011(10)/66-UD(Vol. II), dated the 22nd December, 1966 and the 20th March, 1967, the Central Government hereby directs that all the powers of that Government under the provisions of the Act and the rules framed thereunder, except those under sections 9, 10, 11A and 56 of the Act shall also be exercised by the Administrator of the Union territory of Delhi.

[No. 18011(10)/66-UD(Vol. II).]

R. C. MEHRA, Under Secy.

## DELHI DEVELOPMENT AUTHORITY

### PUBLIC NOTICE

*New Delhi, the 9th May 1967*

**S.O. 1755.**—Notice under Section 10(1) of Delhi Development Act, 1957 (61 of 1957), read with rules 5 and 15 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959.

Notice is hereby given that

1. (a) a draft re-development plan of the area lying between Alipur Road, National Highway bypass and Qudsia Gardens as provided in the zonal development plan for Zones C-1, C-2, C-3, C-11 and C-12 (Kashmeri Gate, Qudsia Gardens, I.P. College area, Civil Lines main, Northern Ridge and Old Secretariat) has been prepared; and

- (b) a copy thereof will be available for inspection at the following offices between the hours of 11.00 a.m. and 3.00 p.m. on all working days except Saturdays, till the date mentioned in paragraph 3 hereinafter:—

- (1) Office of the Delhi Development Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi;
- (2) Office of the New Delhi Municipal Committee, Town Hall, New Delhi;
- (3) Office of the Municipal Corporation of Delhi, Town Hall, Delhi-6; and
- (4) Office of the Executive Officer, Delhi Cantonment Board, Delhi Cantonment.

2. Objections and suggestions are hereby invited with respect to this draft re-development plan.

3. Objections or suggestions may be sent in writing to the Secretary, Delhi Development Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi, by the 19th June, 1967.

Any person making an objection or suggestion should also give his name and address.

[No. F. 3(292)/65-M.P.]

B. C. SARKAR, Addl. Secy.

## MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

### (Department of Industrial Development)

#### ORDER

*New Delhi, the 10th May 1967.*

**S.O. 1756.**—In exercise of the powers conferred by clause (b) of sub-section (1) of section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri M. P. Wadhawan, as the Secretary of the Board of Management of Jessop and Co. Ltd., Calcutta, in place of Shri K. S. Basu, and makes the following amendment in the notification



of the Government of India in the late Ministry of Commerce and Industry No. S.O. 887, dated the 15th May, 1958, namely:—

In the said notification, for the entry "Shri K S. Basu", the following entry shall be substituted, namely;—

"Shri M P. Wadhawan".

[No. F. 8(23)/63-EI(M).]

HARBANS SINGH,  
Officer on Special Duty.

### (Indian Standards Institution)

*New Delhi, the 5th May 1967*

**S.O. 1757.**—In licence No. CM/L-1317 dated 29th August 1966 held by M/s Hindustan Wires Ltd., B.T. Road, P.O. Sukchar, Distt. 24-Parganas having their Reg. Office at 16/5 Chowringhee Road, Calcutta-13, the details of which are published under S.O. 2925 in the Gazette of India, Part II, Section 3, Sub-section 3(ii) dated 1 October 1966, the following articles has been added with effect from 16 March 1967:

Article/Process	Indian Standard
Galvanized Round Steel Armour Wire	IS: 1554 (Part I)-1964 Specification for PVC Insulated (Heavy Duty) Electric Cables for Working Voltages up to and including 1100 Volts.

[No. MD/12:1433-A.] 11

**S.O. 1758.**—In licence No. CM/L-1335 dated 27 September 1966 held by M/s Electrical Manufacturing Co. Ltd., 136, Jessore Road, Calcutta-28, the details of which are published under S.O. 3299 in the Gazette of India, Part II, Section 3, sub-section 3(ii) dated 5 November 1966, the following articles have been added with effect from 1 April 1967:

Article/Process	Indian Standard
Insulator Fittings for Overhead power lines of type:	IS: 2486 (Parts I & II)—1963 Specification for Insulator Fittings for overhead power lines of 3.3 Kv & above
(i) Suspension Clamps	Part I General Requirements and Tests
(ii) Tension Clamps	Part II Dimensional Requirements.
(iii) Ball & Socket Combination	
(iv) Clevis & Tongue Combination.	

[No. MD/12:1433-A.]

*New Delhi, the 8th May 1967*

**S.O. 1759.**—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 16 April to 30 April 1967.



## THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
1)	(2)	(3)	(4)
1	IS: 286-1966 Methods of sampling and test for soaps (first revision).	IS: 286-1951 Methods of sampling and test for soaps.	This standard prescribes the methods of sampling of soaps and the test procedures for the determination of moisture and volatile matter, matter insoluble in alcohol, free caustic alkali or free fatty acid, matter insoluble in water, total alkalinity of matter insoluble in alcohol (alkaline salts), combined alkali and total anhydrous soap, chlorides, unsaponified and unsaponifiable matter, rosin, total fatty matter, titre of total fatty acid, iodine value (Wijs), alkaline silicates, borax, phosphates, sulphates, glycerol, sugars, starch, combined sodium and potassium oxides, carboic and cresylic acids, and carbonates. (Price Rs. 9.00).
2	*IS: 1135-1966 Specification for leaf springs for automobile suspension. (first revision).	IS: 1135-1957 General requirements for leaf springs for automobile suspension.	This standard covers general requirements for leaf spring assembly, and also individual spray leaves, for automobile suspension. (Price Rs. 3.50).
3	IS: 1311-1966 Specification for Ethylene dibromide. (first revision).	IS: 1311-1958 Specification for ethylene dibromide.	This standard prescribes the requirements and the methods of test for ethylene dibromide, intended for use as a fumigant. (Price Rs. 4.00).
4	*IS: 1507-1966 Specification for copper oxychloride water dispersible powder concentrates (first revision).	IS: 1507-1959 Specification for copper oxychloride water dispersible powder concentrates.	This standard prescribes the requirements and the methods of test for copper oxychloride water dispersible powder concentrates containing varying percentage of copper oxychloride, technical. (Price Rs. 3.00).
5	IS: 1609-1966 Code of practice for laying damp-proof treatment using bitumen felts. (first revision).	IS: 1609-1960 Code of practice for laying damp-proof courses using bitumen felts.	This standard covers the methods of application of bitumen felts for damp-proofing treatment to foundations, basements and walls of buildings to prevent the penetration of moisture and water from an external source at or below ground level. (Price Re. 1.00).



(1)	(2)	(3)	(4)
6	IS : 1654-1966 Specification for antimonial lead ( <i>first revision</i> ).	IS: 1654-1960 Specification for antimonial lead for storage batteries.	This standard covers the requirements for twelve grades of antimonial lead. (Price Re. 1.00).
7	IS: 2209-1966 Specification for mortice locks (verticle type) ( <i>first revision</i> ).	IS: 2209-1962 Specification for mortice locks (verticle type).	This standard lays down the requirements for mortice locks (vertical type). (Price Rs. 3.00)
8	IS: 2516 (Part II/Sec. 1)—1966 Specification for alternating current circuit breakers Part II—Tests Section 1 Voltage not exceeding 1,000 Volts.	..	This standard specifies the methods of test for the requirements of ac circuit-breakers covered by IS: 2516 (Part I/ Sec. 1) 1965. (Price Rs. 5.00).
9	IS: 2675-1966 Specification for enclosed distribution fuseboards and cutouts for voltages not exceeding 1000 V ( <i>first revision</i> ).	IS: 2675-1964 Specification for enclosed distribution fuseboards for low and medium voltages.	This standard covers enclosed distribution fuseboards for voltages not exceeding 1,000 V between phases and current rating in each outgoing circuit not exceeding 100 A for use on ac or dc. (Price Rs. 4.00).
10	IS: 2872-1967 Specification for low carbon steel Cylinders for the storage and transportation of liquefiable gases.	..	This specification deals with steel gas cylinders made from low carbon steel intended for the storage and transportation of liquefiable gases other than liquefied petroleum gases of nominal capacity within the range 25 litre up to 1000 litres. The standard lays down the requirements for material to be used in the manufacture of cylinders their construction, marking and testing. (Price Rs. 2.50).
11	IS: 3646 (Part I)—1966 Code of practice for interior illumination Part I Principles of good lighting aspects of design.	..	This code covers the principles and practice governing good lighting in buildings and relates chiefly to the lighting of 'working areas' in Industrial commercial and public buildings, hospitals and Schools. (Price Rs. 9.00).
12	IS: 3765-1966 Specification for varnish impregnated cotton sleeveings for electrical purposes.	..	This standard prescribes the physical and electrical requirements and method of test for sleeveings made of cotton braided base, suitably impregnated and coated with electrical insulating varnish, used for insulating electrical conductors and connections of electrical apparatus and appliances. (Price Rs. 2.50).
13	IS: 3786-1966 Method for computation of frequency and severity rates for industrial injuries and classification of industrial accidents.	..	This standard prescribes basic methods for recording and classifying industrial accidents and for computation of frequency and severity rates of industrial injuries in industrial premises, for comparison at unit and group level. (Price Rs. 5.00).



(1)	(2)	(3)	(4)
14	IS: 3850-1966 Specification for dry-salted threadfin (DARA) and dry-salted jewfish. (GHOL).	..	This standard prescribes the requirements and the methods of test for dry-salted threadfin (DARA) ( <i>polydactylus indicus</i> ) and dry-salted jewfish (GHOL) ( <i>pseudosciaena diacanthus</i> ). (Price Rs. 2.00).
15	IS: 3851-1966 Specification for dry-salted catfish.	..	This standard prescribes the requirements and the methods of test for dry-salted catfish. (Price Rs. 2.00).
16	IS: 3852-1966 Specification for dry-salted leather jackets ( <i>chorinemus sp.</i> )	..	This standard prescribes the requirements and methods of test for dry-salted leather jackets ( <i>chorinemus sp.</i> ). (Price Rs. 2.00).
17	IS: 3853-1966 Specification for dry-salted horse mackerels ( <i>caranx sp.</i> )	..	This standard prescribes the requirements and the methods of test for dry-salted horse mackerels ( <i>Caranx sp.</i> ). (Price Rs. 2.00).
18	IS: 3881-1966 Specification for tomato juice.	..	This standard prescribes the requirements and the methods of test for tomato juice. (Price Rs. 3.00).
19	IS: 3884-1966 Specification for Canned tomato paste.	..	This standard prescribes the requirements and the methods of test for tomato paste. (Price Rs. 2.50).
20	IS: 3906 (Part I)—1966 Specification for Continuous sprayer, knapsack type Part I Reciprocating type.	..	This standard prescribes the material of construction, performance, requirements and methods of testing the performance of hand-operated, continuous sprayer of reciprocating knapsack type used for spraying insecticides, fungicides, etc. (Price Rs. 3.00).
21	IS: 3915-1966 Methods of Measurement on audio frequency signal generators (30 c/s to 30 kc/s).	..	This standard lays down the conditions and detailed procedures for the tests to be conducted on audio frequency signal generators in the frequency range of 30 c/s to 30 kc/s, to determine their performance characteristics. (Price Rs. 2.00).
22	IS: 3936-1966 Specification for porcelain mortars and pestles.	..	This standard prescribes the requirements and the methods of test and sampling for porcelain mortars and pestles. (Price Rs. 2.50).



(1)	(2)	(3)	(4)
23 IS: 3960-1967 for totalizing machines.	Specification weighing	..	This standard covers the require- ments for totalizing weighing machines. (Price Re. 1.00).

NOTE.—For the purpose of ISI Certification Marking Scheme IS: 1135-1966 and IS: 1507 1966 shall come into force with effect from 1 May 1967.

Copies of these Indian Standards are available, for sale, with the Indian Standard Institution, Madak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7, (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthy Bhavan 54, General Paterson Road, Madras-2 and (iv) 117/418 B Sarvodaya Nagar, Kanpur.

[No. MD/13:2.]



**S.O. 1760.**—In Pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s), given in the Schedule hereto annexed, have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	Sl. No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified.	No. & Date of the Amendment	Brief particulars of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS:296-1963 Specification for sodium carbonate, anhydrous ( <i>revised</i> )	S.O. 2820 dated 11 September 1965	No. 1 March 1967	Clauses A-9 and A-10 have been substituted by new ones	Immediate effect
2	IS: 1796-1950 Specification for crude glycerine and refined glycerine	S.O. 2760 dated 25 November 1961	No. 1 February 1967	(i) Page 3, clause 0.3, line 4—Add 'cosmetics' before 'chemicals' (ii) Page 9, Table II, against Sl. No. (xiv); col. (5)—Substitute '2.0 (in 5½ in. cell)' for '1.0 (in 5½ in. cell)' (iii) Page 13, fig. 3—Substitute '400 TO 800 mm' for '400 TO 750 mm' and '10 TO 15 mm DIA' for '5 TO 15 mm DIA'	15 May 1967
3	IS:2410-1963 Specification for suction hose of rubber for fire services	S.O. 2460 dated 31 August 1963	No. 2 March 1967	Page 4, clause 1.1, line 1—Substitute '635 mm' for '762 mm'	15 March 1967
4	IS: 2699-1964 Specification for flats and flats' screws.	S.O. 3329 dated 19 September 1964	No. 1 November 1966	Figs. 1 and 2 have been substituted by new ones	
5	IS: 2713-1964 Specification for tubular steel poles for overhead power lines	S. O. 226 dated 16 January 1965	No. 1 January 1967	Clause B-4.2 and Tables I to IV have been amended	Immediate effect
6	IS:2814-1964 Method for sampling of cereals and pulses	S.O. 4120 dated 5 December 1964	No. 1 March 1967	Page 4, Table 1, col. 2, last entry—Substitute '120' for '5 percent'	15 May 1967
7	IS: 2834-1965 Specification for shunt capacitors for power systems	S. O. 2729 dated 4 September 1965	No. 1 March 1967	Page 24, formula in clause D-1.1—Substitute the following for the existing formula. ' $t=2.3 \times 10^{-4} \text{ CR } (\log_{10} V-1.55) \text{ seconds}$ '	



(1)	(2)	(3)	(4)	(5)	(6)
8	IS:2959-1965 Specification for ac contractors of voltage not exceeding 1000 volts	S.O. 2673 dated 28 August 1965	No. 1 December 1966	Page 18, clause 8.1.0—Add the following sentence at the end of the clause:  ‘The various type tests may be carried out on the same or different contractors, as may be desired by the manufacturer’	} Immediate effect
9	IS:3470E-1966 Specification for hexane, food grade	S.O. 2602 dated 27 August 1966	No. 1 March 1966	The title, designation, Table 1 and clause C.1.1 have been amended	

Copies of these Amendment Slips are available, free of cost with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7, (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-31, (iii) Second Floor, Sathyamurthy Bhavan, 54 General Patters Road, Madras-2 and (iv) 117/143-B Sarvodaya Nagar, Kanpur.

[No. MD/13:5.]



New Delhi, the 10th May 1967

**S.O. 1761.**—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulation, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that Certification Marks Licence No. CM/L-680, particulars of which are given in the Schedule hereto annexed, has been cancelled with effect from 1 May, 1967:

THE SCHEDULE

Sl. Licence No. No. and Date	Name and Address of the licensee	Article/Process covered by the licence	Relevant Indian Standard
(1)	(2)	(3)	(4)
1. CM/L-680 29-5-1964	M/s H. S. Balbir & Bros., A-14 Rana Partap Bagh, Delhi-7	Arc Welding Transformers single operator type, 440 volts, up to 200 Amp Max. Welding Current	IS:1851 (Part I) 1961 Specifica- tion for Arc Welding Transformers Part I : Single Operator Type

[No. CM/L-680.]

ERRATA

New Delhi, the 8th May 1967

**S.O. 1762.**—In the then Ministry of Industry (Indian Standards Institution) Notifications published in the Gazettes of India, Part II, Section 3 (ii), the following corrections be made:—

I. Gazette dated 31 December 1966

(a) S. O. 4023 dated 20 December 1966, Schedule :

(i) S. No. 5, col. 4—

(1) Line 2—Read 'drawn' for 'drawe'; and

(2) Line 3—Read 'general' for 'generan'

(ii) S. No. 31, col. 4, line 4—Read 'momum' for 'mumomum'

(iii) S. No. 33, col. 2, line 1—Read 'IS-2106 (Part XIII)—1966' for 'IS-(Part III)—1966'

(iv) S. No. 34, col. 2, line 1—Read 'IS:2106 (Part XIV)—1966' for 'IS:2106 (Part IV)—1966'

(v) S. No. 39, col. 4, lines 4 and 8—Read 'arc' for 'are'

(vi) S. No. 42, col. 4—

(1) Line 6—Read 'approximate' for 'approxima'

(2) Line 8—Read 'the' for 'th'; and

(3) Line 9—Read 'given for' for 'give foe'

(vii) S. No. 53, col. 2, line 1—Read 'IS:3181—1966' for 'IS:31-81—1966'

(viii) S. No. 73, col. 2, line 2—Read 'forceps' for 'forces'

(b) S. O. 4025 dated 20 December 1966 Schedule :

S. No. 1 and 2, col. 2—Substitute the following designs of the standard marks for the existing ones respectively :

IS:34



IS : 2742





(c) S.O. 4027 dated 20 December 1966, Schedule —

S. No. 20, col. 2, line 1—Read 'CM/L-1166' for 'CM/L-1165'

2. Gazette dated 11 February 1967

S.O. 466 dated 27 January 1967, Schedule :

S. No. 2, col. 3, line 1—Read 'IS:1566-1960' for 'IS-1966-1960'

3. Gazette dated 18 March 1967

(a) S.O. 913 dated 7 March 1967, Schedule :

(i) S. No. 3, col. 4, line 4—Insert the word 'for' between the words 'suitable compression'

(ii) S. No. 61, col. 2, line 2—Read 'towles' for 'owels'

(iii) S. No. 83, col. 12, line 1—Read 'IS:3837—1966' for the existing words and figures.

(b) S.O. 914 dated 7 March 1967, Schedule :

(i) S. No. 5, col. 2, line 1—Read 'CM/L-269' for 'CM/L-209'

(ii) S. No. 7, col. 2, line 1—Read 'CM/L-992' for 'CM/L-902'

[No. MD/13:8.]

S. K. SEN,

Deputy Director General.

## MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 28th March 1967

S.O. 1763.—In pursuance of rule 4(b) of the Central Information Service Rules, 1959, the Central Government as the result of the review undertaken, hereby, fixes the authorised permanent strength of each grade of the Central Information Service, except Senior Administrative Grade, as on 1st March, 1965, as under :—

Grade	Authorised permanent Strength
<i>Class I</i>	
Junior Administrative Grade	
(Senior Scale) . . . . .	6
(Junior Scale) . . . . .	8
Grade I . . . . .	64
Grade II . . . . .	26 <sup>50</sup> ** }
Add leave and deputation reserve (at 20% (**Leave reserve alone at no time will exceed 10% of the total Authorised Permanent Strength in Class I Grades).	76
<i>Class II</i>	
Grade III . . . . .	103
Grade IV . . . . .	183
Add leave and deputation reserve (at 12 1/2%)	36 } 219

2. The authorised permanent strength of Senior Administrative Grade of the Central Information Service as on 1-3-65 was already fixed at four vide this Ministry's Notification No. S.O. 1239 dated 7-4-1965 published in the Gazette of India dated the 24th April, 1965.

3. The total strength of the Central Information Service has been fixed at 480 as on 1st March, 1965.

[No. F. 2/3/65—CIS—6].

BANU RAM AGGARWAL, Under Secy.



# MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 9th May 1967

**S.O. 1764.**—Whereas the Central Government was satisfied that M/s. Oriental Power Cables Limited, was situated in Cablenagar (Alnia) area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Kotah in the State of Rajasthan;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73F of the Employees State Insurance Act, 1948 (34 of 1948), until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Department of Social Security No. S.O. 950, dated the 27th March, 1965.

And, whereas the Central Government is satisfied that the insurable population of the Cablenagar (Alnia) area in the district of Kotah in the State of Rajasthan has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Department of Social Security No. 950, dated the 27th March, 1965, namely:—

In the Schedule to the said notification, serial No. 4, and the entries relating thereto shall be omitted.

[No. F. 6(24)/67-HI.]

exercise of the powers conferred by section 73F of the Insurance Act, 1948 (34 of 1948), and in continuation of the Government of India in the Ministry of Labour, Employment and Pensions No. S.O. 1383, dated the 27th April, 1966, the Central Government to the seasonal nature of the industry carried on the factory Jugal Gillumal Cotton Ginning and Pressing factory, Hathras the said factory from the payment of the employer's special contribution under chapter VA of the said Act for a further period of 12 months with effect from the 1st May, 1967.

[No. F. 6/14/66-HI.]

**S.O. 1766.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri P. K. Bose to be an Inspector of the whole of the State of West Bengal and the Union territories of Tripura and Andaman and Nicobar Islands, for the purposes of the said Act and of any scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field, or a controlled industry.

[No. 17(77)/65-PF.I(1).]

New Delhi, the 11th May 1967

**S.O. 1767.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri Purshottam Das Khandelwal to be an Inspector for the whole of the State of Rajasthan for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of, the Central Government, or in relation to any establishment connected with a railway company, a mine or an oil-field or a controlled industry.

[No. 20/(91)/65 PF.I.]

**S.O. 1768.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shrimati Indira Das to be an Inspector, for the whole of the State of West Bengal and the Union territories of Tripura and Andaman and Nicobar Islands, for the purposes of the said Act and of any scheme framed



thereunder in relation to establishments belonging to, or under the control of, the Central Government, or in relation to establishments connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(71)64-PFI.]

**S.O. 1769.**—Whereas the State Government of Madras has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri V. S. Subbiah, I.A.S., Joint Secretary to the Government of Madras, Industries, Labour and Housing Department, Madras to represent that State on the Employees' State Insurance Corporation in place of Shri T. S. Sankaran;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 2551 dated the 9th August, 1966, namely:—

In the said notification, under the heading "(Nominated by the State Governments under clause (d) of section (4)", for the entry against item 14, the following entry shall be substituted, namely:—

"Shri V. S. Subbiah, Joint Secretary to the Government of Madras, Industries, Labour and Housing Department, Madras."

[No. F. 3/18/66-HI.]

**S.O. 1770.**—Whereas it appears to the Central Government that + and the majority of the employees in relation to the establishment Messrs. Nagendra Slate Factory, Markapur, Kurnool District (Andhra Pradesh) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment;

This notification shall be deemed to have come into force on the 1st day of December, 1966.

**S.O. 1771.**—Whereas it appears to the Central Government and the majority of the employees in relation to the establishment Messrs. Jaya Hind Industries Private Limited, Bombay-Poona-19, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of June, 1966.

[No. 8/49, PFI.]

**S.O. 1772.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Arjun Industries, 1036/A Fort Road, Belgaum, Mysore State have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

The notification shall be deemed to have come into force on the 1st day of April, 1967.

[No. 8/53/67/PFI.]



*New Delhi, the 12th May 1967*

**S.O. 1773.**—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 334, dated the 1st February, 1960, the Central Government hereby appoints Shri V. Hemchandra Rao as Regional Provident Fund Commissioner for the whole of the State of Mysore to assist the Central Provident Fund Commissioner in the discharge of his duties *vice* Shri K. S. Naik.

[No. 17(3)/67-PF. I(1).]

*New Delhi, the 15th May 1967*

**S.O. 1774.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 335, dated the 1st February, 1960, the Central Government hereby appoints Shri V. Hemchandra Rao to be an Inspector for the whole of the State of Mysore for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field, or a controlled industry.

[No. 17(3)/67-PF.I(ii).]

#### **ORDER**

*New Delhi, the 9th May 1967*

**S.O. 1775.**—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3204, dated the 15th October, 1966, the Central Government hereby appoints Shri P. K. Bose, as Regional Provident Fund Commissioner, for the whole of the State of West Bengal, and the Union territories of Tripura and Andaman and Nicobar Islands *vice* Shri U. K. Bajpai to assist the Central Provident Fund Commissioner in discharge of his duties.

[No. 17(77)/65-PF.I(ii).]

DALJIT SINGH, Under Secy.

#### **(Department of Labour and Employment)**

*New Delhi, the 10th May 1967*

**S.O. 1776.**—Whereas the Central Government is of the opinion that it is expedient or necessary in the public interest to add to the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), the 'service in any oil-field';

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 40 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby adds the following item in the First Schedule to the said Act, after item 16 thereof, namely:—

"17. Service in any oil-field".

[No. F. 1/83/66-LRI-1.]

*New Delhi, the 11th May 1967*

**S.O. 1777.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Calcutta, in the industrial dispute between the employers in relation to the Bhadrasai Manganese Mine of Messrs Orissa Minerals Development Company Limited, Barbil and their workmen which was received by the Central Government on the 2nd May, 1967.



# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE No. 120 of 1966

## PARTIES:

Employers in relation to the Orissa Minerals Development Company Limited,  
Barbil,

AND

Their workmen.

## PRESENT:

Shri S. K. Sen.—*Presiding Officer.*

## APPEARANCES:

*On behalf of Employers.*—Shri D. Basu Thakur, Legal Advisor.

*On behalf of Workmen.*—Shri R. Banerjee, Advocate.

STATE: Orissa.

INDUSTRY: Manganese Mine.

## AWARD

By Order No. 35/2/66-LRI dated 1st March, 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Bhadrasai Manganese Mine of Orissa Minerals Development Company Limited, Barbil and their workmen in respect of the subject matter mentioned in the following schedule:

“Whether the management of Messrs Orissa Minerals Development Company Limited, P.O. Barbil, Dist., Keonjhar, Orissa are justified in refusing to pay bonus in accordance with the Pay of Bonus Act, 1965 (21 of 1965) for the accounting year ended on the 30th June, 1965 to the piece-rated workmen employed in their Bhadrasai Manganese Mines?

If not, to what relief are the workmen entitled?”

2. Messrs Orissa Minerals Development Company Limited owns 3 Iron ore mines and 4 Manganese mines of which Bhadrasai Manganese Mines is one. The company submits a single annual report, balance sheet and profit and loss account every year; separate accounts in respect of individual mine are not kept by them. Barbil Workers Union having its units spread over all the 7 mines and affiliated to INTUC is recognised by the management. The Keonjhar Mines and Forest Workers Union affiliated to AITUC was recently established, and is not recognised by the management, but its unit at Bhadrasai mine claims to have 405 members out of about 600 workmen employed by the company at Bhadrasai Manganese mine. This Keonjhar Mines and Forest Workers Union has raised the present dispute on behalf of the piece-rated workmen of Bhadrasai Manganese Mine. The case of the union is briefly as follows:

The management under an agreement with the Barbil Workers Union is paying bonus to the monthly paid staff and the daily rated *hazri* workers but has refused to pay bonus under the Payment of Bonus Act to the piece-rated workers, and accordingly the union has been compelled to raise the dispute for bonus for the piece-rated workers.

3 The case of the management is briefly as follows:

By a settlement dated 21st December, 1959, between the company and the workmen represented by Barbil Workers Union, there was an agreement as regards the wages of the time-rated and piece-rated workers and also about the claim for profit sharing bonus raised by the union. As regards bonus, the agreement provided that time-rated *hazri* workers would be paid bonus at the rate of 40 days' basic wages and monthly paid staff would be paid bonus at the rate of 70 days' basic salary; and so far as the piece-rated workers are concerned, an increase in the production bonus agreed to by the management was accepted by the union in settlement of their demand for bonus for this category of workers. By the agreement, the production bonus to the piece-rated workers of the Manganese Mines was increased from 19 nP. per box of 36 Cft. to 25 nP. According to the company this agreement is still in force and production bonus is being paid at that rate to the piece-rated workers and therefore the piece-rated workers are not entitled to any bonus under the Payment of Bonus Act in view of the provisions of Section 32(vii) of the Payment of Bonus Act, 1965. The management's



further case is that during the year under consideration, their Manganese mines worked at a loss and even taking the result of their Iron ore mines and Manganese mines together there was such a small profit that the computation according to the Payment of Bonus Act shows no available surplus, so that the workmen are not entitled to any bonus under the Payment of Bonus Act.

4. Section 32(vii) of the above Act provides that nothing in the Act shall apply to employees who have entered before 29th May 1965 into any agreement or settlement with their employers for payment of an annual bonus linked with production or productivity in lieu of bonus based on profits. Ext. C. is a true copy of the agreement dated 21st December, 1959. It appears that the increase in the production bonus was accepted by the union in settlement of the claim for profit sharing bonus. But the production bonus agreed to was not an annual bonus and therefore Section 32 (vii) does not appear to apply in terms. Moreover, it appears that so far as the bonus is concerned, the agreement of 21st December, 1959, has been superseded by a further agreement with the Barbil Workers Union dated 1st November, 1965, of which a true copy is Ext. D. The preamble of this memorandum of settlement recites that the General Secretary of the Barbil Workers Union had complained to the Regional Labour Commissioner, Central, Calcutta that with the passing of the Payment of Bonus Act, the management had refused to pay bonus according to the agreement of 21st December, 1959, on the ground that the terms agreed as to bonus had been superseded by the provisions of the Act which must prevail. Thereafter the terms agreed are set out. It was agreed between the parties that Payment of Bonus Act should apply, but so far as the monthly paid staff and time rated *hazri* workers are concerned, they would get a minimum bonus which is somewhat more than that provided by Section 10 of the Payment of Bonus Act in a year in which the company made no profit. No express agreement appears in Ext. D. regarding piece-rated workers, but there is clause 3(b) in which it is provided that employees not covered by clause (1) will be paid bonus strictly in terms of Payment of Bonus Act. Clause (1) mentions monthly paid staff and daily rated workers. It is the clear that piece-rated workers must come under clause 3(b) and according to the agreement they must be paid bonus in accordance with the Payment of Bonus Act. This being so, it must be held that the claim of the piece-rated workers for payment of bonus according to the Payment of Bonus Act is justified.

5. Shri D. Basu Thakur appearing for the company has urged that the agreement took place on 1st November, 1965, whereas in this case we are concerned with the bonus for the year ended 30th June, 1965, the company's year being from 1st July to 30th June; and therefore the bonus for the period under reference must be governed by the old agreement, Ext. C. of 21st December, 1959. But the agreement as to bonus, Ext. D. is expressly an agreement for bonus for year ended 30th June, 1965, as well as for subsequent years. Accordingly, there is no force in the contention that bonus for the year under reference must be governed by the old agreement. Shri Basu Thakur has also urged that the piece-rated workmen of Bhadrasai Mine alone, representing a portion only of the total labour force of the company, cannot raise a dispute, as this company has one consolidated fund and account. But there is clearly no force in this contention. A portion of the total force of workmen can make a claim giving rise to an industrial dispute.

6. It must therefore be held that piece-rated workers are entitled to bonus under the provision of Payment of Bonus Act. As regards the quantum of bonus the company has produced the balancesheet and profit and loss account for the year ended 30th June, 1965. It is the consolidated account for the 3 iron ore mines and 4 manganese mines of the company. The company does not maintain separate accounts for individual mines. Ext. E is the Profit and Loss account for the 4 manganese mines of the company taken together certified by the Auditors Messrs Lovelock and Lewis. This Profit and Loss Account for the manganese mines, Ext. E, shows net loss of Rs. 92,415 on the working result of the year ended 30th June 1965. The consolidated Profit and Loss Account, Ext. A, shows a net profit of Rs. 1,15,445, as there was some profit from the working of the 3 iron ore mines owned by the company. But the accountant of the Managing Agents, Shri Kanailal Mukherjee, has prepared and submitted a computation table of the available surplus under the Payment of Bonus Act, and the computation shows a deficit of Rs. 3,64,089, so that there is no available surplus for distribution as bonus after payment of taxes and dividends and making provision for the development rebate allowance. This computation has not been seriously challenged by Shri Raman Banerjee appearing for the union. Shri Banerjee has urged that piece-rated workers are in any case, in the circumstances, entitled to the minimum bonus of 4 percent of their total annual remuneration subject to a minimum of



Rs. 40 as provided by Section 10 of the Payment of Bonus Act. This claim to the minimum bonus must be conceded.

7. Shri Basu Thakur has urged that for the year under consideration, production bonus was paid all along to the piece-rated workers under the agreement of 21st December, 1959 and that if the company is to pay bonus under the Payment of Bonus Act, the company is entitled to deduct the amount paid as production bonus, not only from general equitable considerations but also under the provisions of Section 17 of the Payment of Bonus Act. Section 17 of the Act provides that where in any accounting year an employer has paid any Puja or other customary bonus or an interim bonus, the employer shall be entitled to deduct the amount of bonus so paid from the amount payable by him for the accounting year. Now, production bonus does not come within the terms used in Section 17 of the Payment of Bonus Act, namely Puja bonus, customary bonus and interim bonus. Section 17, therefore, does not appear to apply in terms. But from general equitable considerations, I think that the claim of the company to deduct from the bonus payable under the Payment of Bonus Act, the amount already paid as production bonus, is justified. The agreement of 21st December 1959, Ext. C, shows that the workmen had claimed a profit sharing bonus equal to 3 months' pay, and so far as the piece-rated workers are concerned, the increased production bonus agreed to by the company was accepted by the union in settlement of their demand for bonus for piece-rated workers. Accordingly, though the production bonus is mentioned in the section relating to wages in the agreement, Ext. C, the production bonus agreed to must be deemed to be a substitute for the annual profit sharing bonus, and therefore it would be proper to deduct this amount from the bonus payable to the piece-rated workers under the provisions of the Payment of Bonus Act. I am assured by Shri Ramon Banerjee that the production bonus paid during the year was less than bonus which the piece-rated workers will be entitled to even at the minimum rate provided by the Payment of Bonus Act.

8 Accordingly, my award is that the management of Messrs Orissa Minerals Development Company Limited was not justified in refusing to pay bonus in accordance with the Payment of Bonus Act, 1965 for the accounting year ended 30th June, 1965 to the piece-rated workers of Bhadrasai Manganese Mine; and the management must pay bonus to the piece-rated workers at the rate of 4 percent of their total annual earnings calculated according to the provisions of Payment of Bonus Act subject to a minimum of Rs. 40 in each individual case from which amount, however, the management shall be entitled to deduct the total production bonus paid week by week to these workers during the year ended 30th June, 1965. Eligibility for bonus will be according to the provisions of the Payment of Bonus Act.

*Dated, 27th April, 1967.*

[No. 35/2/66-LRI.]

S. K. SEN, Presiding Officer.

**S.O. 1778.**—Whereas the Central Government is satisfied that public interest requires that the service in any oil-field should be declared to be a public utility service for the purposes of the Industrial Disputes Act, 1947;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a period of six months from the date of this notification.

[No. 1/83/66-LRI-2.]

**S.O. 1779.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the New Bank of India Limited, New Delhi and their workmen which was received by the Central Government on the 2nd May, 1967



BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI  
PRESENT:

Shri Anand Narain Kaul, Central Government Industrial Tribunal, Delhi.  
14th April, 1967

C. G. REFERENCE I.D. No. 5 of 1965

BETWEEN

The employers in relation to the New Bank of India Limited, New Delhi,

AND

Their workmen.

Shri N. C. Sikri—for the management.

Shri K. D. Bhandari—for the workmen.

## AWARD

By S.O. No. F. 51(37)/65-LRIV, dated 20th September, 1965, the Central Government has referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the New Bank of India Limited, New Delhi and their workmen. The terms of reference are as follows:—

"(1) Whether, having regard to the provisions contained in para. 529 of the Sastri Award the management of the New Bank of India Limited, New Delhi was justified in promoting the following junior clerks in preference to Shri Krishan Baldeo Passan, clerk:

1. Shri Prem Rattan Puri,
2. Shri Jagjit Singh,
3. Shri Tilak Raj Chona,
4. Shri S. L. Malik,
5. Shri Radha Kishan Sankat,
6. Shri B. S. Bhandari, and
7. Shri K. L. Chandra.

"(2) If not, to what relief is Shri Krishan Baldeo Passan entitled?"

2. In this dispute, which relates to the promotion of seven workmen of the New Bank of India, Ltd., the parties as stated in the reference are the workmen themselves and the management but it appears that the sponsoring union is the New Bank of India Workers Association, Paharganj, New Delhi. When the case was fixed for filing of written statements by the parties, the union named as the New Bank of India Employees' Union made an application through Shri K. D. Bhandari, its Secretary for being impleaded as a party. By a detailed order, dated 25th November, 1965, on hearing the parties, the Employees' Union was impleaded as a party and all the parties were directed to file their respective written statements on the next date fixed for the purpose. After the written statements and rejoinders were filed by the parties, the following issues were framed by me in the light of the pleadings of the parties:—

1. Whether the New Bank of India Workers' Association has any *locus standi* to sponsor the dispute of Shri Krishan Baldev Passan and whether it is an industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act?

2. Whether the reference cannot be proceeded with on the grounds stated in Para 18 of the written statement of the New Bank of India Employees' Union?

3. Whether the settlements Annexures A and B to the written statement of the New Bank of India Employees' Union are a bar to the present reference?

4. Whether all or any of the cases of promotion mentioned in the terms of reference were motivated by a policy of victimisation of Shri Krishan Baldeo Passan for his trade union activities?

5. Whether the reference is incompetent on the grounds mentioned under preliminary objection No. 7 of the written statement of the management?

6. Whether the fact that the Sastri Award has been already superseded by the Desai Award on the date when the cause of action for the present dispute arose and the absence of any directions on the policy of promotion in the Desai Award are a bar to the present reference?



7. & 8. As in the terms of reference.

Certain documents were also filed by the parties and the case was fixed for hearing on preliminary issues but the parties, especially the sponsoring Associations took several repeated adjournments and ultimately Shri D. R. Gupta representing the Association made a statement that talks for settlement have started and sought time for negotiating a settlement. After some more adjournments and when the case was again fixed for hearing on preliminary issues, Shri C. L. Bhardwaj authorised representative of the sponsoring union appeared along with Shri N. C. Sikri, the authorised representative of the management and sought to withdraw the dispute, while Shri Sikri appearing on behalf of the management stated that he had no objection to the withdrawal without prejudice to the management's objections already raised. A notice was then issued to the New Bank of India Employees' Union, for showing cause as to why an award in accordance with the statement of Shri Bhardwaj be not passed.

3. When the case came up today for hearing before me, Shri K. D. Bhandari for the New Bank of India Employees' Union and Shri N. C. Sikri for the management put in appearance. Shri Bhandari made a statement that he has no objection to the withdrawal without prejudice to his union's objections on the merits of the present dispute. In these circumstances the dispute stands withdrawn and I have no alternative but to pass an award accordingly.

(Three pages)

The 14th April, 1967.

(Sd.) ANAND NARAIN KAUL,  
Central Govt Industrial Tribunal, Delhi.  
[No. 51/37/65/LRIV.]

*New Delhi, the 12th May 1967*

S.O. 1780.—In pursuance of section 17 of the Industrial Disputes Act, 1947. (14 of 1947), the Central Government hereby publishes the following Award Part-I of the Central Government Labour Court, Bombay in respect of a complaint under Section 33A of the said Act filed by Shri V. A. Rebello, Assistant Station Superintendent, Crew Scheduling Department, Air India Corporation, which was received by the Central Government on 3rd May, 1967.

#### BEFORE THE CENTRAL GOVERNMENT LABOUR COURT AT BOMBAY

APPLICATION No. LCB-39 OF 1965

Shri V. A. Rebello Assistant Station Superintendent, Crew Scheduling Department, Air India Corporation.—*Complainant.*

*Versus*

Air India Corporation, 87, Mahatma Gandhi Road, Bombay-1.—*Opposite Party.*

PRESENT:

Shri Salim M. Merchant.—*Presiding Officer.*

APPEARANCES:

*For the complainant.*—Shri K. P. V. Menon and Shri D. H. Buch, Advocates with Shri N. C. Mukherjee and Shri V. M. Fernandes of the Air Corporation Employees' Union and Shri V. A. Rebello the complainant.

*For the Opposite Party.*—Counsel Shri S. D. Vimadalal, Barrister-at-law, instructed by Shri S. K. Wadia, Solicitor and Shri A. S. Banawalikar, Personnel Manager and Shri P. M. Thakur, Assistant Personnel Manager.

STATE: Maharashtra.

INDUSTRY: Airlines.

*Dated at Bombay this 28th day of April, 1967*

#### AWARD PART I

This is a complaint under section 33A of the Industrial Disputes Act dated 16th October, 1965, which was originally filed before the National Industrial



Tribunal, Delhi (Shri Justife G. D. Khosla), in the industrial dispute Ref. No. NIT 1 of 1964 and on transfer to this Court was numbered as Application No. LCB 39 of 1965.

2. In his complaint, the complainant, Shri V. A. Rebello, has stated that he was employed in the Air India Corporation (hereinafter referred to as the Opposite Party) as an Assistant Station Superintendent, Crew Scheduling, in the grade of Rs. 300—25—500—50—650 and confirmed in that post effective 1st December, 1963; that throughout his employment he performed his duties diligently, faithfully and in the interests of the opposite party and his record of service was clean and that he was granted an increment in his scale of pay on or about 1st December, 1964, only a few months before his services were terminated. He has stated that he was surprised and shocked when he received the company's letter dated 19th June, 1965 (copy annexed and marked annexure 'A') terminating his services with immediate effect and informing him that he would be paid one month's salary in lieu of notice. The complainant has stated that upon receipt of the said letter of termination, which smacked of vindictiveness and unfair labour practice he represented to his union officials about this sudden and extreme action of the management; that on the advice of the union the complainant addressed a letter dated 16th July, 1965, (annexure 'B') requesting the management to reinstate him and further requesting that if there was anything against him he should be given an opportunity to explain the circumstances, to which he received a reply dated 8th September, 1965, (annexure 'C') informing him that his services were terminated under Rule 48 of the Air India Employees Service Regulations. The complainant has stated that the alleged termination is a cloak for punishing him and that the management, without any evidence or proof in support of its action, had sought to inflict the punishment of dismissal on him. He has submitted that the order terminating his services is illegal, without evidence, against law, justice, equity and good conscience and unjust and in violation of the principles of natural justice; that the order terminating his services and offering him one month's salary, in lieu of notice of one month, was a colourable exercise of the powers and was a cloak and cover for inflicting punishment and was made with a view to circumvent the provisions of law requiring the observance of the principles of natural justice and amounted to unfair labour practice and was liable to be set aside; that the opposite party in its reply did not disclose any reason for the termination of the complainant's services and had merely quoted Rule 48 of the Service Regulations. The complainant has submitted that the said rule postulates the existence of some reason for the termination of an employee's service. The complainant has stated that the opposite party should be directed to disclose the reason, if any, for the termination of his service. He has further submitted that on a reasonable construction of the said rule the opposite party was bound to disclose the reason, if any, for the termination of service in the present proceedings and that any other construction would be unreasonable and would make the rule itself unreasonable, illegal and void and would also be in contravention of Article 14, 16, 19 and 311 of the Constitution of India and for that reason be void and inoperative.

3. The complainant has further stated that the proceeding in the industrial dispute Reference No. NIT-1 of 1964 was pending before the Tribunal and as he is a workman concerned in the dispute it was incumbent on the opposite party to have filed an application for approval of its action in terminating the services of the complainant; that the opposite party had not obtained the approval of this Tribunal in writing of the action taken by it against the complainant. He has, therefore, prayed that the Tribunal be pleased to direct the opposite party to reinstate the complainant with full back wages and allowances from the date of the alleged termination of his services till the date of his reinstatement with continuity of service and with costs and such other reliefs as this Tribunal may deem fit.

4. The opposite party filed its written statement in reply dated 15th March, 1966 only after notice of the same had been issued by this Court on 10th March, 1966.

5. In its written statement the opposite party has submitted that the complaint is misconceived bad in law and not maintainable under the Industrial Disputes Act, 1947, for the following reasons:—

The complainant was at no relevant time a workman within the definition of the term as defined in section 2(s) of the Industrial Disputes Act; that at the time of the termination of his services the complainant was an Assistant Station Superintendent and was employed in an administrative supervisory capacity



drawing a total salary amounting to Rs. 690 per month; that in the staff notice No. 130 dated 31st March, 1956 the opposite party has given a classification of its personnel wherein the category of Assistant Station Superintendents has been classified "Officer category" (*vide* entry No. 1/28) a copy of which it has annexed to its written statement as annexure 1. This entry being a small one I reproduce it here.

### "AIR INDIA INTERNATIONAL-CLASSIFICATION OF PERSONNEL INTO GROUPS

(Staff at Indian Stations)

Code No.	Designation	Department.
1/28	Assistant Station Superintendent.	Tr. "

The opposite party has further submitted that the said category of Assistant Station Superintendents has not been included among the categories of workmen concerned in the dispute in Reference No. NIT-1 of 1964 pending before the National Industrial Tribunal composed of Justice G. D. Khosla. Besides, the class of officers designated as Assistant Station Superintendents has always been and is represented by the Air India Officers' Association and it is not the association representing any "workmen" and it is not a party to the dispute in the instant reference; that further the said class of officers have not at any time represented itself before the National Tribunal nor has it been represented at the hearing of the said dispute by any of the unions representing parties Nos. 2 to 7 in the said dispute. The opposite party has further submitted that even assuming, without admitting, that the complainant is held to be a workman (which the opposite party denies) sub-sections (1) and (2) of section 33 and section 33A can have no application having regard to the circumstances of the present case; that the subject matter of the complaint is not a matter connected with the dispute in the reference before the National Industrial Tribunal nor is the complainant concerned in the said dispute. It was further submitted that sub-section (1) (b) and sub-section 2(b) of section 33 of the Act can have application only in the case of dismissal or discharge for misconduct in the circumstances set out therein and not to a case of termination of service simpliciter; that in the present case the opposite party has *bona fide* terminated the services of the complainant under the provision of Regulation 48 of the Air India Corporation Employees Service Regulations which are applicable to the complainant and therefore there has been no breach of the provisions of sections 33(1)(b) and 33(2)(b) and therefore there can be no complaint under section 33A. The opposite party has further submitted that the said sub-sections are untenable. It has, therefore, submitted that the application is misconceived and should be dismissed *in limine*.

6. The opposite party has further denied that the complainant was a workman concerned in the industrial dispute before the National Industrial Tribunal or that he is a workman at all. It has denied that the termination of the services of the complainant is a cloak for punishment or that the opposite party has sought to impose a punishment on the complainant as alleged or otherwise. It has further denied that the order of termination of service is a colourable exercise of the powers or a cloak or cover for inflicting punishment or was made with a view to circumvent the provisions of law or amounted to unfair labour practice as alleged; that there was never any question of the opposite party having to make an application for approval under section 33(2). It has further submitted that the question whether the complaint is maintainable is a question which goes to the root of the matter and would completely dispose of the issue and should therefore be tried as a preliminary issue. It has, therefore, prayed that the question of the maintainability of the complaint should be tried as a preliminary issue and the opposite party reserved its right to file later a supplemental written statement on the merits.

7. Thereafter, on 30th June, 1966 the company without prejudice to its preliminary objections, filed a further written statement on the merits of the complainant's claim in which it stated that the opposite party was and is not bound to give or disclose any reason for terminating the services of the complainant and that any contrary view would render regulation No. 48 completely nugatory.

However, without prejudice to it the opposite party has stated that the applicant's services were terminated because of the total loss of confidence on account of grave suspicion regarding his private conduct and behaviour with the air



hostesses of the Corporation but that the representations and statements from the air hostess cannot be disclosed as they involved the reputation and future of young and unmarried girls. Having regard to this the opposite party has stated that it was constrained to terminate his services in accordance with regulation No. 48.

8. The complainant on 31st July, 1966, filed a rejoinder to the said further written statement of the company dated 30th June, 1966. In his reply the complainant has denied the various allegations made against him and has stated that he was surprised and shocked that he has been condemned on the basis of alleged reports of statements from air hostesses made behind his back and without his having been given an opportunity whatsoever for knowing the contents of the alleged reports or alleged statements much less to test their truth or otherwise; that these vague allegations had been made for the first time in the company's said written statement dated 30th June, 1966, and that it was incumbent on the Court to enquire into them and he reserved his right to deal with the allegation if and when the opposite party furnished full particulars of the allegations now made and after he had been given inspection of the alleged representations or statements referred to in the written statement of the opposite party.

9. To this there was another rejoinder by the company dated 11th August, 1966 in which it has denied the various statements and counter statements made by the Applicant in his written statement and rejoinder. As these have been referred to in the evidence both oral and documentary on record and I shall deal with such of them as are relevant for the purposes of the preliminary issues which I am disposing of by this Award Part I, the preliminary issues being (a) whether the Complainant was a workman as defined under section 2(s) of the Industrial Disputes Act and (b) whether he was a workman concerned in the industrial dispute Reference No. 1 NIT of 1964, and (3) whether the application is maintainable.

10. The complainant has given evidence and he was cross-examined at length by the learned Counsel for the Company. The company in its turn led the evidence of Shri Vinayak Vithal Joshi (EW-1), Crew Scheduling Officer, Operation Department (2) Shri Keki Ferozeshah Behram Kamdin (EW-2) and (3) Shri Behram Shapurji Batliwala Manager, Customers service (EW-3). Both parties filed a number of exhibits and I have had the benefit of lengthy and detailed addresses from the learned Advocates representing the parties.

11. I shall first deal with the contention whether the applicant is a workman after which I shall deal with the contention whether he is a workman concerned in the industrial dispute. It is admitted that the applicant joined the service of Air India in 1956 as Assistant Flight Purser in which designation he continued till 1960. He was thereafter promoted as Flight Purser, which designation is shown in grade No. 25 for which the pay scale is Rs. 350—25—550—50—650. In the same grade No. 25 and in the same pay scale were also two other categories viz., Senior Check Purser and Assistant Chief Flight Purser. It appears that in 1962 there was a vacancy in the designation of Assistant Station Superintendent which designation is shown in grade No. 24 for which the pay scale was Rs. 300—25—500—50—650. Under grade No. 24 are shown in all 18 designation among which is the designation of "Junior Officer." It will also be noticed that the scale of pay of the Flight Purser was higher at the start than that of the Assistant Station Superintendent. It will also be noticed that in the schedule the higher grade number has the better pay scale. For instance, grade 25 has a better pay scale than grade No. 24 and grade No. 26 has a higher pay scale than grade No. 25 and so on. Thus the Flight Purser's post was higher than that of the Assistant Station Superintendent and the other designations shown in grade No. 24. To take another instance the post of Chief Flight Purser which is admittedly a higher post than that of Flight Purser is in grade No. 26 in the higher pay scale of Rs. 450—25—500—50—850.

12. A word is necessary also as to how the applicant came to apply for the post. It is admitted that the Air India there were two posts of Crew Scheduling Officer—one in the Customer Service and the other in the Operations Department, and both were treated as appointments in grade No. 24 in the pay scale of Rs. 300—25—500—50—650 and that in the Schedule there is no designation as crew scheduling officer customer service or Crew Scheduling Officer (operations), but the designation is Assistant Station Superintendent. To continue, in his application dated 9th July, 1962 (exhibit E4) for the post of Crew Scheduling Officer in



the Customer Service one of the grounds which he mentioned in support of his application was:—

"Regarding my educational qualifications may I state that I have passed the Junior B.A. examination of the Bombay University and am presently studying for the Senior B.A. (Honours)" (Para 3)

"I am extremely desirous of a ground job since this would among other things enable me to complete my educational career." (Para 5)

It will thus be seen that he was applying for a post in a lower designation which carried a lower scale of pay than that of Flight Purser, because he was anxious to have a ground job to complete his studies. I may state that the Complainant made his said application on 9th July, 1962 even before the notice inviting applications for the vacancy had been formally issued on 16th July, 1962. Rebello was appointed to the post with effect from 1st December, 1962 by order dated 18th December, 1962. The order stated that he was appointed as Assistant Station Superintendent, Crew Scheduling Officer, with effect from 1st December, 1962 in the customer service of the commercial department. The letter of appointment also stated that he would be on probation for a period of one year from the date of his appointment as Assistant Station Superintendent and whilst on probation his salary would be Rs. 400 per month plus dearness allowance according to existing rules and that if his conduct and work are found satisfactory he will be confirmed at the end of his probationary period as Assistant Station Superintendent in the salary scale of Rs. 300—25—500—50—650. Later, by order dated 18th December, 1963 Rebello was confirmed in the post of Assistant Superintendent with effect from 1st December, 1963 (exhibit E-5). It is admitted that on the date of the termination of his service his basic pay was Rs. 500 in the said scale of pay.

13. The opposite party has laid considerable emphasis on the fact that as Assistant Station Superintendent Rebello was called Crew Scheduling Officer, Customer Service and the company's contention is that as Scheduling Officer, Customer Service, he was an officer and not a workman as defined by section 2(s) of the Industrial Disputes Act. However, at the hearing both parties contended the position in law, which is by now a well settled principle of Industrial Law, that it is not the designation which determines whether a particular employee is a workman as defined by section 2(s) of the Industrial Disputes Act or an officer, but the duties performed by him. Now, at the hearing before me both parties filed their respective statements of the duties performed by Rebello as Crew Scheduling Officer, Customer Service, the very first exhibit filed by the company is the list of duties and responsibilities which according to it, Rebello as Crew Scheduling Officer was required to perform and which according to it were basically administrative/supervisory and that is marked as exhibit E.1. The Opposite Party's effort has been to show that as Crew Scheduling Officer, Customer Service, Rebello was an officer generally exercising the powers of supervision, control and direction. The complainant also has filed a list of his duties (exhibit W-13), in which he has tried to show that his main duties were routine duties and not such as involved supervision and control. It is therefore, necessary first to explain what are the main duties of the Assistant Station Superintendent, doing the work of Crew Scheduling Officer (Customer Service). Now, it is admitted that the main functions and duties of a Crew Scheduling Officer, Customer Service, as the name itself indicates, is to schedule cabin attendants for various flights. There has been both oral and documentary evidence on the duties and functions of Crew Scheduling Officer, Customer Service and I may frankly state that I prefer to rely upon the documentary evidence rather than the oral evidence because both parties, as is not uncommon, in their respective oral evidence have sought to exaggerate and lay emphasis on those aspects of the duties of crew scheduling officer which supported their respective stands.

14. As I have stated earlier, the main duties and functions of the Crew Scheduling Officer is to schedule cabin attendants on flights. In doing so, he has to prepare a weekly roster. In preparing the weekly schedule he has to see that equitable distribution of flights was maintained considering the flying hours of the cabin attendants. Now, it is admitted that a record is maintained in the Chief Flight Purser's office of the flying hours of each cabin attendant and the Crew Scheduling Officer in preparing the roster has to take into account the number of flying hours done by the cabin attendants. Rebello in his evidence has stated that if a cabin attendant had already put in 90 hours of flight he could not in his discretion allot him another flight without the permission of the Chief Flight Purser's office and he has stated that he exercises no control over the cabin



attendants except for scheduling their flights; that he could not grant the cabin attendants either sick or privilege leave and that he had authority only to grant them casual leave upto 3 days and that this power of granting casual leave was given to him for greater convenience as the Chief Flight Purser's office is three miles away from his own office. He has stated that he has no authority to take any disciplinary action against any cabin attendant for reporting late on duty for a flight and that the cabin attendants never reported their attendance at his office but did so at the office of the flight operation officer. In his cross-examination, however, he admitted that he took the job of crew scheduling officer though it carried a lower scale of pay because it was an officer's post. He further stated that he applied for the post because he was attracted by the higher status and responsibility carried by the post. He has also admitted that as flight purser he had no telephone at his residence and on appointment as crew scheduling officer he was provided with a telephone at his residence. Much has been made of a telephone being provided at the applicant's residence after his appointment as crew scheduling officer and I shall deal with this question in some detail later on. Now, it is admitted that when he was appointed to this post there were in his office only one clerk and a typist and later one Briefing Assistant was provided for him. On behalf of the applicant reliance was placed on letters written by the Chief Flight Purser (grade 26—pay scale—Rs. 450—25—500—50—850) to the applicant from which it is sought to be argued that Rebello as Crew Scheduling Officer, Customer Service, did not have the power to exercise supervision and control over cabin attendants in the matter of scheduling the cabin attendants on the flights and I think this is borne out by the letters exhibits W-4, W-5 and W-6. W-4 is a communication dated 25th March, 1964 from Shri M. D'Souza, Chief Flight Purser, on the subject of "request flights", in which, *inter alia* he observed and directed as follows:—

"I have found out that many Cabin Attendants directly contact the scheduling officer for request flights. This is to remind all Cabin Attendants that if they wish the request must be made either to the Chief Air Hostess or the Assistant Chief Flight Purser, (Operations) and in their absence to the following:—

Chief Flight Purser; Assistant Chief Flight Purser (Training); Senior Check Flight Purser."

A copy of this was forwarded to the Applicant, Rebello, with the following remark:—

"I have spoken to you and informed you that you are not to entertain any requests for flights without contacting one of my supervisors. Only if this is not possible under exceptional circumstances can you grant such requests."

which would clearly show that the grant of requests for flights was considered as a supervisory function which Rebello could not exercise *vis-a-vis* the cabin attendants whose scheduling was his main function. Exhibit W-5 is another letter addressed by Shri D. N. Correa, Assistant Chief Flight Purser, to Rebello dated 12th November, 1964 in which he was informed in respect of previous correspondence on the subject that should Rebello consider that a decision taken by a senior officer of the Corporation needed to be changed he should first consult the Chief Flight Purser on the telephone and that in the event of not being able to contact the Chief Flight Purser every effort must be made to contact the Senior Officer concerned. Failing this he was to take whatever action he deemed correct. But after he had taken the necessary action a verbal report in the first instance should be made to the Chief Flight Purser or the Assistant Chief Flight Purser to be followed up, if necessary, by a written report. This would clearly show that even when in certain contingencies he was to exercise his discretion to change the orders of a senior officer he was first to try and consult the Chief Flight Purser and failing that contact the senior officer concerned and follow up which he was to take such action as he thought necessary, and if he did so he was to report the same verbally to the Chief or Assistant Flight Purser to be followed up by a written report.

Exhibit W-6 is a copy of confidential letter dated 11th April 1964 addressed to the applicant by the Chief Flight Purser, D. N. Correa in which it was stated that he should maintain a log book to record the instructions given to him on the telephone by the Chief Flight Purser's Office. This letter is important because it supports Shri Rebello's oral evidence that he used to seek and receive directions from the Chief Flight Purser's office in matters which were of a supervisory or managerial nature.



15. Shri Vimadalal dealing with the evidence of Shri Rebello on this point has urged that Rebello had applied for the post of Assistant Station Superintendent, scheduling crew, because it was an officer's post; that he considered himself an officer in that post; that he was given the status and treatment of an officer because a telephone had been provided at his residence. Apart from the provision of a telephone, with which I shall deal later, Shri Vimadalal has urged that Rebello performed the duties of an officer because of the following authority which he enjoyed viz.,

- (a) that he had the power to sanction leave,
- (b) he could make reports on the staff;
- (c) he had in certain appeals which he had addressed to the Corporation claiming the higher scale of the post to which Shri V. V. Joshi was subsequently stated that he was doing the duties of an officer;
- (d) that lay over allowance was paid on his signature as also excess time pay to the Cabin Attendants;
- (e) that visas were granted on his recommendation by the Consuls of U.S.S.R. and U.S.A.
- (f) Rebello had made suggestions for improvement in the crew scheduling service;
- (g) that in scheduling crew he has to exercise discretion, judgment and fairplay;
- (h) that when the standby cabin attendant did not report for duty Rebello had to be called back to duty even after office hours;
- (i) Rebello worked overtime but did not draw overtime pay though he has admitted that workmen do draw overtime pay,
- (j) that Rebello's statement that everything he did was under instructions from Shri D. N. Correa Chief Flight Purser, was overdone and could not be believed;
- (k) and that Rebello prepared the first and second probationer reports.

16. I shall briefly deal with these submissions of Shri Vimadalal. It is true that in his evidence Rebello has stated that he had applied for the post of Assistant Station Superintendent because it gave him a chance to act as an officer and to improve his prospects. But as stated in his application for the post he wanted a ground job because he wanted to appear for the B.A. degree examination and his acting as Assistant Station Superintendent would have given him the chance to do so. That as Purser which is not a land job he could not have completed his course for the B.A. examination and not get the chance to improve his prospects. The General Manager of the Corporation in his letter (Exhibit W-7) has clearly stated that Rebello when he was holding the post of Assistant Station Superintendent Customer Service, was a Junior Officer and I think Rebello's evidence when he stated that he applied for the post of Assistant Station Superintendent because it gave him a chance to act as an officer is, therefore, quite understandable. With regard to the supervisory duties which Rebello is supposed to have performed it is clear that exhibits W-3, W-4 and W-5, with which I have dealt earlier left him very little scope for complete freedom of action even in the matter of scheduling cabin crew. The work of scheduling is more or less a routine job as scheduling is done on the basis of flying hours already put in by the crew. He had very limited scope in the matter of exercising his discretion as to which cabin crew should be withheld for a particular flight because the scheduling of crew was dependent upon the flight performance of each cabin crew. Shri Vimadalal has stated that Rebello had discretion when all factors were equal as to whom he could select but that is a discretion which anyone in charge of this type of work would be expected to exercise and it would not make him an officer in the sense of his being able to allocate duties and responsibilities which in the case of the cabin attendants were fixed. The only discretion that the Crew Scheduling Officer was exercising was which crew would be entitled to a particular flight on the basis of the number of hours of flights already done.

17. With regard to the supervisory functions over the cabin attendants exercised by Rebello in the matter of granting leave, the only leave he could grant was 3 days casual leave. If he were really exercising powers of supervision and control and directing administration he would be expected to have control over the granting of all kinds of leave on all occasions and in all circumstances, which is clearly not the case.



18. Much has been made of the first and second reports on probationers which have been signed by Rebello. There has been a lot of questions put in cross-examination to Rebello and during examination of the company's witnesses on the point of the first and second probationer report which have been signed by Rebello and there has been much discussion whether he was a competent authority to do so. Exhibits E-6 to E-11 are copies of the reports on probationers which bear Rebello's signature. The reports only consist of a tick mark being made on the specified character of the work of the staff. These are simple reports in which the competent authority is asked to indicate by tick marks whether the work of the employee is outstanding, above average, average or below average in respect of certain capacity such as job knowledge, application, ability, enthusiasm initiative, originality, sense of discipline, general bearing and turnout and punctuality. The mere fact that he signed these reports and made the tick marks and gave his assessment of the work of the staff under him, consisting at the best of times, of a peon, a typist-clerk and a briefing assistant, would not in my opinion take him away from the category of workmen and invest him with the powers of control and direction to make him an officer. It is not uncommon in small sections of big offices like Air India for even a senior clerk or an assistant superintendent to make an assessment of the work of a clerk or a peon working under him in his section and the fact of such senior clerk or Assistant superintendent making such an assessment would not make him an officer.

19. Exhibits E.14, E.15 and E.15A which give the attendance for the specified periods in respect of cabin crew can at best be treated as a report submitted by Rebello in regard to the attendance of the cabin crew. It is a mere act of reporting and cannot be treated as the discharge of any supervisory or controlling function over the cabin crew. Exhibit E-16, on which reliance is sought to be placed, is a statement giving the flying hours of the cabin crew for the month of October 1964 which was signed by Rebello. These are merely statements of actual flying hours and in the remarks column particulars are given of the crews stay in London and other places and particulars of the privilege leave and sick leave enjoyed by them. This sort of statement any clerk could prepare in an office.

20. With regard to the foreign visas the relative exhibits are exhibits E.17 and E.18. Exhibit E.17 is a letter dated 26th February 1965 addressed by Shri Rebello to the Consul General, American Consulate, Bombay requesting for an American multi-journey visa for Shri M. K. Engineer, flight purser who was being scheduled on the A.T. flights to the U.S.A. as a regular member and the only request contained was to issue him the necessary American multi-journey visa (D visa). The second one is a letter addressed to the Consul General for the U.S.S.R. in Bombay intimating that it was necessary for Air India to post a set of cabin crew consisting of two Flight Purser, two Assistant Flight Purser and two air hostesses in Moscow on a temporary basis for approximately two months but not exceeding three months to operate Air-India's Moscow-London and London-Moscow services. In the letter it was stated that since these crew members would be staying in Moscow for approximately three months they would prefer to have their families with them. Rebello, therefore, wrote to request that he would be grateful if the Consul General for U.S.S.R. kindly arranged to issue the crew members concerned the multi-journey entry visas for their journey in Moscow (exhibit E-18). It is significant that a copy of exhibit E-18 was endorsed by Rebello to the Assistant Chief Flight Purser Air India and to the Passport Officer, Air India, Bombay. In my opinion there is nothing so special about these two letters as to invest Rebello with managerial functions as was sought to be made out. In a big airlines Corporation this would be a routine request made by even a Superintendent who is looking after the scheduling of the cabin crew on flights to foreign countries.

21. I may now as well deal with exhibit E-19 of which unnecessarily much was made at the hearing. Exhibit E-19 is a letter dated September 7, 1964 written by Rebello for the attention of Shri D. N. Correa, Chief Flight Purser. In that letter he had enclosed two copies of a telex message received from Shri V. D. Deshmukh, Superintendent, Reservation Procedures stating that he had received a telephone message from traffic requesting that Rebello should send Miss J. Chalam who was to accompany child Veena Krishnamoorthy on Madras Bombay Flight on 31st August 1964 as quickly as possible and to inform her to take over charge of this child from Miss Khareghat air hostess as no ground receptionist was available. Rebello in the last paragraph of this letter reported to Shri Correa as follows:—

"I then requested Miss J. Chalam who is to report for duty to kindly hurry through customs formalities etc., and take over charge of child Veena Krishnamoorthy."



The second letter exhibit E-19A is a letter addressed by Rebello to Miss J. Chalam Air Hostess requesting her to accompany Veena Krishnamoorthy on sector Bombay-Madras and operate sector Madras-Singapore. He indicated that she would lay over in Singapore and operate flight Singapore to Bombay on September 2, Exhibits E-19B and E-19C are evidently copies of telex messages requesting for extra hostesses to look after certain infant passengers aged eighteen months and two years on certain foreign flights to Bombay. I do not think there is anything in Rebello having given instructions which he has reported to the Chief Flight Purser in his letter dated 7th September 1964 (exhibit E-19) which would give him the status of controlling and directing the duties of the staff. It appears that this was a case of an emergency and the only thing which Rebello did—was to request Miss Chalam who had reported for duty to hurry through customs formalities and take over charge of the child Veena Krishnamoorthy. Having done so he immediately reports this to the Chief Flight Purser which would show that he felt that even this action of his had to be intimated and approved by the Chief Flight Purser.

22. Shri Vimadalal has also urged that Rebello had the authority to block revenue seats and exhibit E-20 was tendered as evidence of such power. Exhibit E-20 is a letter dated April 1, 1965 addressed by Rebello to the Manager, Air India, Santa Cruz in which he intimated that Miss M. Lateef and Miss M. Tayler air hostesses would be travelling to London as passengers on flight AI-111 on 3rd April 1965 and requesting for economy class seats (S.O.D.). The letter concluded with a request that these two air hostesses be issued the necessary tickets when they report to the traffic counter A.I.I. Shri Vimadalal has argued that this letter was as from one officer to another. But considering that the cabin crew are allowed to travel when seats were available it is common even for a junior officer to have made a request. It is well known that cabin crew of most airlines are allowed to travel on company's aircraft on certain flights, if there are vacant seats.

23. Exhibits E-21(1) and E-21(2) with its annexure have been filed by Shri Vimadalal showing that Rebello was corresponding in the manner of one officer to another. Now exhibit 21(1) refers to a calendar off day for cabin attendants after flights and as is clear from the letter this letter was written by him to Shri D. N. Correa the Chief Flight Purser after the latter had spoken to him on the telephone on this subject on 24th July 1963, and in this letter he stated that he had then confirmed to Shri Correa that a calendar day off would be given to cabin attendants after their flights. In this letter he also made certain points for the attention of Shri Correa. Now, as I have stated earlier, the Chief Flight Purser is admittedly a superior officer in a higher category than Rebello and the only thing that Rebello did in this letter was to make certain alternative suggestions. This would certainly not elevate him to the status of an officer exercising powers of supervision and control. Exhibit E-21(2) is a letter addressed by Shri Rebello to the Chief Flight Purser regarding Moscow operations winter 1963-64. In this letter Shri Rebello had submitted the names of cabin attendants who were in possession of Moscow visas and he has submitted separately the names of cabin attendants who had been operating Moscow flights and were due for Moscow visas. In the letter he pointed out that since difficulties may arise in obtaining new winter kit for Moscow operations due to foreign exchange restrictions Shri Rebello had stated—

"I would suggest that cabin attendants already in possession of Moscow winter kit retain the same and the period of their visas be extended to three years."

At best this is a suggestion made by a subordinate officer to a higher officer in the interest of economy of the administration and would not be an instance of the exercise of discretion or communication from one officer to another officer.

24. Exhibit E-22 is a letter dated August 11, 1964 from Rebello to the Chief Flight Purser in which he reported two occasions when he had received instructions in the name of senior officers of the Corporation and he wanted to know from the Chief Flight Purser what action should be taken if such a case arose again. To this he received a reply from Shri D. N. Correa Assistant Chief Flight Purser dated 12th November 1964 which is exhibit W-5 and to which I have already referred earlier in which he was told that if a decision taken by a senior officer of the Corporation needs to be changed he should first consult the Chief Flight Purser on the telephone. In the event of his not being able to contact the Chief Flight Purser every effort must be made to contact the senior officer concerned and failing this he, i.e., Rebello should take whatever action he deemed correct. He was further informed that after having taken the necessary action he should make a verbal report in the first instance to the Chief Flight Purser or to the Assistant Chief Flight Purser followed up if necessary by a written report. If anything, exhibit



E-22 read with exhibit W 5 clearly indicates that he was to take whatever action he deemed correct only if he failed to contact the senior officer concerned and the Chief Flight Purser and that after he had taken the necessary action which he deemed correct he was to make a verbal report of the same in the first instance to the Chief Flight Purser or the Assistant Chief Flight Purser and follow it up with a written report. This only indicates that even when Rebello had to take some action which he felt correct it was subject to the approval of the higher officers and in any case he had to make a verbal report followed up by a written report. This would indicate that even the little discretion he had was subject to the approval of his superiors.

25 Reliance was next placed by Shri Vimadatal on exhibits E 23 and E-23(1)—Exhibit E 23 is a memorandum dated 27th February 1965 addressed by Rebello to the cabin crew on operating flight No AI-101 Bombay-London of 28th February 1965 in which he informed them that they would have one Shri B V Acharya (travelling Delhi-London) who was not enjoying good health on that flight and asking them to facilitate him during his flight and that they should inform the relieving crew accordingly. Exhibit 23(1) is a memorandum addressed by Rebello to two air hostesses Miss Emerson and Miss P. Patel, in which they were informed that they had been selected to participate in the Lions' exhibition at the Jehangir Art Gallery Museum, Fort, and intimating to them the time and dates when they would be required to be present at the exhibition. He further informed them that if their names appeared anywhere on the current flight programme upto Thursday March 4, 1965 the same flight duties were cancelled. It is rather difficult on these two letters even to seriously consider as was suggested on behalf of the Opposite Party, that Rebello was exercising the powers of supervision and control over the staff. The first was a simple request to the cabin crew to look after an ailing passenger who was known to Captain Viswanathan an officer of the company and the second was merely a letter of intimation to certain air hostesses that they had been selected to participate in the Lion Club's exhibition at Jehangir Art Gallery and requesting them to attend the same on the dates and time specified. These are more in the nature of requests and intimation than of the exercise of control and supervision.

26 Exhibits E-24(1)(2)(3) and (4) were tendered on behalf of the company as indicating the exercise of discretionary powers and Rebello's responsibility of seeing that each flight is properly manned and taking emergent steps to meet emergencies. Now, exhibit 24(1) is a letter addressed by Rebello to the Chief Flight Purser dated May 18, 1965 regarding the Prime Minister's flight from Moscow to Bombay and return and the arrangements he had made with regard to them. In this letter he gave particulars of the changes he had made with regard to the cabin crew viz., flight purser, air hostess assistant flight purser in view of certain cabin crew having reported sick and his having selected the standbys to do so. After reporting the changes he had made he suggested that in view of the difficulties experienced VVIP flights should, as far as possible, be covered by Senior Check Flight Purser and the Assistant Check Flight Purser. What is really important to note in this communication is that after having made the necessary changes in the cabin crew for this VVIP flight Rebello reported them to his superior the Chief Flight Purser to whom he made certain suggestions for the future VVIP flights. This letter and the other letters exhibits 24(2)(3) and (4) to which I shall presently refer, do not in my opinion in any way support Shri Vimadatal's contention that they are instances of the exercise of discretionary power of a controlling nature by Shri Rebello. These are in fact all reports made by him to his senior officer which would not be the case if he himself had the right to exercise such discretionary powers. Exhibits 24(2) and (3) are also reports submitted by Rebello to the Chief Flight Purser. Exhibit 24(4) is again a report from Rebello to the Chief Flight Purser regarding a delayed Moscow flight of 1st June 1965.

27 On behalf of the Opposite Party much emphasis was laid on the staff working under Rebello. The staff under him consisted of Shambhauneekar who was a clerk and who Rebello later admitted was Briefing Assistant Hegde a typist and one peon. Rebello in his evidence has stated that none of these three was under him but they were all working in the section together. I do not accept this story of Rebello. It was made out of over-anxiety on the part of Rebello to deny any sort of control over the staff under him out of mistaken apprehension that if he did so he would be considered not to be a workman. Shambhauneekar as Briefing Assistant was in a grade higher than the purely clerical grade his grade being Rs 140/- to Rs 365/- whilst the clerical grade stops at Rs 240/-. Even so Shambhauneekar was at best an Assistant to Rebello but that would not make Rebello an Officer. An Assistant Superintendent does not become an officer because he has a clerk to assist him. It must also be remembered that on the date of his



dismissal Rebello's basic pay was only Rs. 500/-, in the Grade 24 of Rs. 300—25—500—50—650, which scale of pay was also applicable to Junior Officers who, as I have stated earlier, were held to be workmen under Justice Khosla's Award. Rebello by Exhibit E.10 reassessed the work of the Briefing Assistant, Shri Shambhaunekar but, as I have stated earlier, Shambhaunekar was in a slightly higher position than that of the lowest grade clerk, inasmuch as he was in the grade of Rs. 140—365. In assessing the status, responsibility, and power of supervision exercised by Rebello, it is also significant that after Rebello was dismissed, Shambhaunekar officiated in Rebello's place as Assistant Station Superintendent, Crew Scheduling, Customer Service, for a period of so long as 7 months. If someone in a slightly higher grade of pay than the clerical grade could be appointed to the remark "granted" on Ex. E-12 and E-13 appear against the column "Remarks: it would be a pointer that the post was not that of an Officer at least not above the grade of Junior Officer, which is a service designation in the same grade 24, in which the designation Assistant Station Superintendent occurs.

No doubt the leave application of the Flight Purser and of Assistant Flight Purser, (Exhibit E.12 and E.13) were granted by Rebello. Rebello has explained that the only Privilege leave applications which he granted were those two. He has explained that those were granted at the end of the year when there were a lot of applications for privilege leave due. It would thus appear that the only two privilege leave applications produced by the Company were granted by Rebello under exceptional circumstances. It is also noteworthy that Rebello's initials and the remark "granted" on Ex. E-12 and E-13 appear against the column "Remarks: Sectional Head".

It is true that in Exhibit E.27, Code 128, which is the staff notice of 31st March, 1956, the Assistant Station Superintendent has been shown under the heading 'Officer'. But this was a notification issued as far back as in 1956, and admittedly there have been changes thereafter, and the Air India Service Regulations and Establishment Orders, made many changes in the staff classification and the one in force at the relevant time was the Air India Service Regulations and Establishment Orders issued in October, 1963, copy of which has been tendered at the hearing and marked as 'Exhibit E.35'. In that Classification of Staff, in Grade No. 24, the designation of Assistant Station Superintendent has been shown along with "Junior Officer", and I do not think the Company can successfully argue that merely because in the staff notice of 1956, Assistant Station Superintendent was shown as an 'Officer' it would establish that Rebello was an Officer even though there was no classification of the Assistant Station Superintendent as officer in the later 1963, classification.

Much was also made on behalf of the Company of its advertisements published in the local newspapers of various dates i.e., Indian Express of 5th April 1965, Times of India of 15th March 1962 and the Indian Express of 1st June 1963 inviting applications for posts of Assistant Station Superintendents. I have carefully gone through the three notices (collectively 'Exhibit E.28') but nowhere do I find that when inviting application for the post of Assistant Station Superintendent it was any where stated that these were posts of Officers.

Much has also been made of the fact that Rebello had signed a memo of instructions to all cabin attendants, "as for the Chief Flight Purser (C.S.)." This Memo is Exhibit E.29. All that it did was to draw the attention of all cabin attendants that with immediate effect crew members would be transhipped from Rome to Bahrain on Middle East Air Lines flight 232 departing Rome at 14 hrs. L.T. on Mondays and arriving Bahrain at 18.15 hrs. L.T. There is one other Memo dated 1st August 1964 in Rebello's signature as Scheduling Officer (C.S.) in which he has given the revised crew movement of cabin crew operating Flight A.1-110A/BOM/SIN of August 1964. This, in my opinion, is merely a Memo of crew movements and does not show such control and direction over the cabin attendants as to make him an officer.

The Company tried very hard to establish that V. V. Joshi whose designation was also Assistant Station Superintendent Crew Scheduling (Operation) was an Officer and that though he was promoted to the higher salary grade of Rs. 600—50—1000 he had continued to discharge the same duty as he was discharging when he was in the grade 24 pay of Rs. 300—25—500—650. The effort was to show that the Crew Scheduling Officer in the Customers Service was as important and responsible as in the crew scheduling in the operation department. It is significant that whilst Joshi stated that he was given the list of duties performed by him 'Exhibit E.1' and that it was given to him in the form of a letter addressed to him, no such list of duties was stated to have been supplied to



Rebello. It is significant that Joshi though he spoke of a covering letter under which the list of duties 'Exhibit E.1' was given to him, was not able to produce that covering letter. Joshi in cross-examination was questioned about the staff notice of 1956, 'Exhibit E.27', and he admitted that under it the Chief Pilot, the Senior Captain, the Captain and the Assistant Station Superintendent were also classified under the Column of Officers. He admitted that under Exhibit W-14, which contained *inter-alia* a list of functions of Senior Captain and the Captain the Senior Captains and the Captains were treated as workmen. He also admitted that at page 4 of Exhibit E-27 under Item 210, Junior Officer was shown under the Column 'Supervisory'. He further admitted that under Exhibit E-27 he was under the "Supervisory" category i.e. a category lower than the officer's category. V. V. Joshi in his examination in Chief stated that he considered himself an Officer since he was appointed Junior Officer from 1st December 1960 (Ex. W-15). This is clear admission that as Junior Officer, V. V. Joshi, considered himself an Officer, but as I have pointed out earlier, under the Khosla Award, the Company's contention that Junior Officers were not workmen but officer was rejected and they were held to be the workmen concerned in the dispute. Evidently Joshi made this statement to support the case of the Company as put forward before me and when cornered in cross-examination was reduced to having to state:—

"I consider myself an Officer because I was not entitled to draw over-time".  
I may, at this stage, refer to what Rebello said in his re-examination with regard to his not drawing over-time. He stated:—

"I say, that I did not make any claim for overtime payment because I felt that it was not for me to do so, and because I felt such a request might put me in the wrong box".

Which explanation I accept as reasonable and probable. The mere fact that a workman of a particular category did not draw or was for a matter of that was not entitled to draw over-time, would not necessarily make him an "officer" who was not a workman.

The company has argued that the payment of lay off allowance under the orders of Rebello were acts constituting an exercise of authority and discretion which constitute him into an Officer beyond the rank of a workman. The relevant exhibits on that point are:— Exhibit E-25(1) and (2). Exhibit E-25(1) is an order on a Crew lay-over allowance form which bears Rebello's signature. Under it payment was sanctioned to an air-hostess of lay-over allowance of Rs. 20 for an estimated total period of lay-over of about 18'65 hours. Annexed to it is a bill of the Ambassador Hotel for items of tariff, air-conditioning, visitors paid out amount of Rs. 20 etc., making a total of Rs. 61'20. Exhibit 25(2) is another crew lay-over allowance form for another air-hostess for payment of Rs. 40 for an estimated total period of lay-over of 40'45 hours, and to it is attached another bill of the Ambassador Hotel for items of tariff, air-conditioning, restaurant charges, radio and visitors, paid out amount (Rs. 40) making a total of Rs. 81'20. Mrs. Rebello who was questioned on these two exhibits stated that lay-over allowance is paid to crew arriving from foreign stations at late hours and having to stop over at Bombay. His explanation, however, was that he had been authorised by Shri Correa to sanction payment of these allowances, and that he did not sign the lay over forms in exercise of the authority vested in him as Scheduling Officer. Even assuming that Rebello did have the power to sanction lay-over allowance, considering that he was looking after the Scheduling of staff, this sanctioning of small payment of lay-over allowance of Rs. 20 and Rs. 40 for staff who arrived at late hours in Bombay from foreign country and had to be laid over in Bombay, cannot establish the exercise of such authority and discretion as would constitute him into an Officer who is not a workman.

28. There are one or two other Exhibits filed by the Company during the cross-examination of Rebello on which Shri Vimadlal has relied in support of his contention that Rebello was an Officer and not a workman. One such Exhibit is Exhibit E-29. This is an Office Memorandum, dated 28th January, 1964, signed by Rebello for the attention of Cabin attendants on the subject of "transshipment Rome/Beirut". By this memorandum they were intimated that the crew members will be transhipped from Rome to Beirut on the Middle-East Air Lines Flight LN/232, departing Rome on 14'00 hours LT. on Mondays and arriving Beirut at 18.15 hours LT. There is another Office Memorandum dated 1st August 1964 addressed to the Cabin Crew, signed by Rebello as Scheduling Officer Customer Service in which revised crew movements of cabin crew operating flight No. A1-110A-Rom/SIN of August 2, 1964, have been stated and which also gave particulars of the lay-over in Singapore, Rebello has admitted his signatures on these two



Memos (collectively marked "Exhibit E-29"). In my opinion these are mere intimation to the cabin crew regarding transhipment and revised crew movements on certain flights and did not constitute instances of exercise of discussion and direction to make him an Officer. I cannot help stating that I felt that picking out such stray memoranda of intimations and orders passed by Rebello during the several years he was working as Crew Scheduling Officer was not quite fair to him, and I thought it was an attempt on the part of the Company to multiply these "small petty orders so as to establish the case of Rebello being an Officer and not a workman. These orders were filed with a view to give a mis-directed impression on the normal and main duties of Rebello, which was merely to schedule cabin attendants. The fact that the main duty of Rebello as Crew Scheduling Officer, was scheduling work, is also admitted by the Company's witness Shri Battliwalla, (EW.III) who on page 1 line 6 onwards of his evidence has stated the main duties and functions of Crew Scheduling Officer are to ensure scheduling of crews on flights leaving Bombay". In my opinion the fact that the Company was trying to give an exaggerated importance to the duties and responsibilities of the Crew Scheduling Officer is proved by the fact as stated earlier that after Rebello was dismissed from service in June 1965 his Briefing Assistant, one Shri Shambhavanekar, who was doing mainly clerical work was appointed in his place and did the work of Crew Scheduling after Shri Rebello left in June 1965, for 7 months, till December 1965. In cross-examination the Company's witness, Shri Battliwalla (EW. III) has clearly admitted this on page 11 of his evidence when he stated:—"Shri Shambhavanekar did the work of crew scheduling after Shri Rebello left in June 1965 and he continued to do so till December 1965". If crew scheduling work can be performed for a period of 7 months by someone who just prior to being entrusted with that work was doing the work of a Briefing Assistant in a grade just higher than the lowest clerical grade—it can hardly be said that the work of crew scheduling which was the main job of Rebello was of such a nature as to exclude him from the category of workman.

29. I shall now deal with the point on which much was made by the Opposite Party, with regard to the telephone supplied to Rebello at his residence after he was appointed Assistant Station Superintendent, Crew Scheduling Officer, Customer Service. In his cross-examination pages 4 to 8 by Shri Vimadala, Rebello was shown Air India Telephone Directory, effective November 1964, where his name appeared under the Residential Nos. of Officers his Telephone No. being 533865 which was shown against his name (Exhibit E.2). It was ascertained from Mr. Rebello that the name of Shri V. V. Joshi, who was the Crew Scheduling Officer in the operation department also appeared in Exhibit E.2, and that Air India Telephone Directory, Santa Cruz, (Exhibit E.2) also contained the names of B. R. Patel the then General Manager, Shri S. K. Kooka, who is the Commercial Director and H. J. Pavri, who is the Financial Controller, Shri A. K. Unni, Assistant General Manager. It was, however, ascertained that the name of Shri D. N. Correa, Assistant Chief Flight Purser, did not appear in the list of Officers, who had a telephone at their residence but the Chief Flight Purser, Shri M. D'Sousa, was shown to have a telephone at his residence. Rebello was then shown the Air India Telephone Directory effective May, 1966 (Exhibit E-3). Later a circular dated 1st April 1959 was shown to him which deals with the charges to be recovered to those supplied with residential telephones (Exhibit E-34). He admitted that he had accepted the telephone on terms and condition relating thereto as part of his term and condition of appointment as Crew Scheduling Officer. Now, Shri V. V. Joshi was cross-examined regarding the supply of telephone to him, and he stated at page 15 of his evidence as follows:—

"As far as I remember I was given telephone at my residence sometime in 1961. There were telephone directories of the Company prior to Exhibits E-2 and E-3. It is true that I was given the telephone at my residence because I was appointed junior officer. It is true that there are Junior Officers in the Corporation who had not been given telephones at their residence. It is correct that the grant of a telephone at the residence of a Junior Officer depends upon the nature of his duties. I say that I was given a telephone at residence because as Junior Officer I was discharging duties which required a telephone at my residence."

30 This would clearly show that the supply of a telephone at the residence of an employee does not necessarily mean that he was an Officer and not a workman. Joshi has clearly admitted that he was supplied with a telephone at his residence when he was working as a Junior Officer because the nature of the duties which he was discharging as Junior Officer, required a telephone at his residence. Now, it is admitted that under Justice Khosla's Award as National Industrial Tribunal,



Junior Officer, who, the company contended, were not workmen but Officers were held to be workmen. Therefore, the criterion which the Company has adopted is that telephones are supplied at the residence of only Officers who were not workmen falls, to the ground, and I am not satisfied that the fact that Rebello was supplied with a telephone at his residence when he was appointed as Assistant Station Superintendent, Crew Scheduling Officer, necessarily implies that he was an officer and not a workman.

31. It is also necessary to mention that Shri V. V. Joshi, who was the counterpart of Rebello in the Operation Department, being a Crew Scheduling Officer (Operation) was promoted to the Grade of 600—50—1000 with effect from 1st October, 1964. Thereupon Rebello addressed an appeal dated 18th January, 1965 to the Vice-Chairman and General Manager, Air India, copy of which is on record as Exhibit E.26. In that appeal after recounting his appointment and service as Scheduling Officer, Customer Service, and after referring to the promotion of Shri Joshi to the grade of Rs. 600—50—1000 effective 1st October, 1964, he stated as follows:—

"No change has, however, been made in my salary grade. This to say the least is not fair to me, and has created a lot of apprehension in my mind about my future in the Scheduling Section. In spite of my best efforts in handling my assignment, almost single handed, it would appear that my case has not received the consideration it deserves. Since the Crew Scheduling Officer in the Operation, and I have been functioning in the same grade, I feel the *status quo* should have been maintained. Now, that it has been unbalanced, I seek redress by Management".

To this appeal Rebello received a reply from Shri B. S. Ramarao expressing regret on management's inability to review his emoluments. (Ex. E-30). Shri B. S. Ramarao stated that he was in the Assistant Superintendent's Grade, and that the promotion of Assistant Station Superintendents is meant on a system-wise basis and his case would, no doubt, be considered alongwith others. Thereupon, on 13th March 1965, Rebello addressed another letter to the Vice-Chairman and General Manager, Air India, in which, *inter alia* after referring to the inadequate staff with which he had to work as Crew Scheduling Officer, Customer Service, he stated that the Crew Scheduling Section of the Operation Department and the Customers Service were to be very soon amalgamated and he stated:—

"I will be called upon to report to my colleague who has now been placed in the higher grade. This to say the least will result in a highly embarrassing situation for me. In view of the foregoing, I would most respectfully request your goodness to look into my case for favourable consideration". (Exhibit W.9).

To this, he received a copy of an Order of the General Manager, GM.72-2/8074, dated 22nd March 1965, in which it was stated as follows:—

"Promotion of Shri Joshi as Crew Scheduling Officer does not involve any surrendition so far as Mr. Rebello is concerned, who is a Junior Officer, (Assistant Station Superintendent) of the Commercial Department. He will have to seek his promotion according to his normal channel of promotion in the Commercial Department."

"Having considered all aspects of the case including the entire volume of work involved in the Crew Scheduling Section of both the departments, I find no justification for granting the request of Mr. Rebello for placing him in a higher grade". (Ex. W.7).

32. In my opinion, the Union has rightly placed reliance upon this order of the General Manager of the Company, because in it, it is distinctly and categorically stated that Rebello as Assistant Station Superintendent was a Junior Officer. Shri Vimadala has sought to argue that when the term "Junior Officer" was used by the General Manager of Air India, he did not mean that Rebello was a "Junior Officer" in the sense of that designation in Grade 24, but was a junior Officer, as Assistant Station Superintendent of the Commercial Department. I do not think this can possibly be the interpretation that can be placed on this letter. The term "Junior Officer" has been used with reference to the designation of Assistant Station Superintendent of the Commercial Department and in my opinion, it clearly has reference to the designation of Junior Officer appearing in Grade 24. If any other interpretation was sought to be placed on the designation "Junior Officer" used in the letter, the Company should have examined the General Manager of the Company, who has signed the letter, which was not done. The term "Junior Officer"



must, therefore, be read as it appears in the letter. In my opinion there is justification for the interpretation that the term "Junior Officer" in the letter of the General Manager was used by him to indicate the designation "Junior Officer" in Grade No. 24. Now, as I have stated earlier, the Khosla Tribunal clearly held that "Junior Officer" the old grade 24 were workmen concerned in the dispute and prescribed for them a revised scale of pay under the New Grade No. 22 (See pages 322-323 of the Gazette copy of the Award).

Shri Vimadlal has argued that Rebello's various statements that he performed certain duties under instruction from Shri D. N. Correa, Assistant Chief Flight Purser, was overdone and he argued that this part of his evidence should not be believed. It is true that on occasions, Shri Rebello did try to take shelter under the plea that he received oral instructions for some work from Shri Correa, but it cannot be said that Shri Correa was not giving oral instructions to Rebello on the telephone. In fact, by Exhibit W-6, Shri Correa informed Rebello that several times in the past he had asked him to maintain a log-book for instructions given to him (Rebello) on the telephone by his office; and that he had told him only the previous week to commence maintaining the log-book, and he was called for explanation why he had failed to do so. This clearly established that Rebello was receiving instructions on the telephone from Shri D. N. Correa, Assistant Chief Flight Purser. Though Rebello may have exaggerated matters, as witnesses on both sides in this case have done. I do not think I can say that Rebello's story that he did receive instructions on the telephone can be discarded as being false or that on that account his evidence on material points should be disregarded.

33. For the reasons stated above I am satisfied that Rebello on the date of his dismissal was a workman as defined by Section 2(s) of the Industrial Disputes Act, 1947, and I hold accordingly.

34. I now turn to the second question whether Rebello was a workman concerned in the industrial dispute which was referred for adjudication by the Ministry of Labour and Employment's Order No. S.O. 2560 dated 25th July 1964 for adjudication to the National Industrial Tribunal consisting of Shri G. D. Khosla, retired Chief Justice of the Punjab High Court. The applicant in his application has stated that he was a workman concerned in that dispute and has further stated that he was paid the interim relief which was granted by the Tribunal. Now, the payment of interim relief arose in the following circumstances.

35. By Head Office staff notice No. 15/64-65 dated 1st June 1964 on the subject of Interim Relief (Ex. E-31) Air India intimated that the Central Government had decided to refer to a Committee of Enquiry, to be appointed by it, all the demands from the employees of the Air India; that in the meantime the demand of the workmen for interim relief had been considered by Government and Government had decided that interim relief be granted at the scales mentioned in the said notice. I may state that the quantum of interim relief was on basic pay slabs, upto Rs. 650, with effect from 1st April 1964. It is admitted that Rebello got payment of interim relief under this staff notice copy of which is on record as Ex. E-31 as also of the *ad hoc* increment.

Now, with regard to the demand for interim relief before the Khosla Tribunal, the last of the subject matters under dispute to that Tribunal under item No. 57 was a demand for interim relief, which has been dealt with by the Tribunal in paras 361—365 of its Award at pages 419—421. It appears that a settlement was reached on the demand for interim relief between Air India and the Air India Corporation Employees Union—Party No. II—and on 30th December 1964 a joint application was filed on behalf of Air India Corporation and the Air Corporations Employees' Union—Party No. II—recording that an agreement had been reached between the two said parties that one *ad-hoc* increment should be granted to the workmen on the conditions stated in para 363 of the Award. The first condition provided as follows:

"Subject to what is stated herein, one *ad hoc* increment in the existing scale of pay would be granted with effect from 1st April 1964 to those workmen whose basic pay-scales does not exceed Rs. 650 per month."

and clause (vi) provided as follows:—

"Any payment made as an *ad hoc* increment with accretion of dearness allowance thereto would be set off or adjusted against any monetary benefit which may be payable under the Award of the Hon. Tribunal



or recovered in any other manner, if no such monetary benefits are payable under the Hon. Tribunal's Award."

The Tribunal in para 364 of its Award, observed:—

"It was distinctly understood between the parties that the said *ad hoc* increment as above, should be deemed to be an increase in Interim Relief in settlement of the demand made by the Air Corporation Employees' Union under item No. 57 of Paragraph 1 of the Schedule appended to the Government of India, Ministry of Labour and Employment Orders dated 25th July 1964 and the aforesaid demand of the said Union for interim relief shall no longer survive."

36. In paragraph 365 the Tribunal observed as follows:—

"The above mentioned application was heard on 14th January 1965 and an Award was made in terms of the said agreement. This Award has already been published in the Gazette of India S.O. 651 dated 15th February 1965 and is now printed as Appendix I."

37. Now, it is admitted that the applicant Rebello was also granted the benefit of this interim relief by being granted one *ad hoc* increment in the scale of pay applicable to him with effect from 1st April, 1964. Now Shri Vimadalal has argued that though the applicant was granted the benefit of this *ad hoc* increment it would not be said that he was a workman concerned in the said industrial dispute because the agreement to pay interim relief was reached before the reference to the National Tribunal was made on the 25th July, 1964. The interim relief as stated in Appendix A to the joint application of the parties at page 443 of the Award shows that the quantum of interim relief was payable from 1st January, 1964. He has further urged that the *ad hoc* increment which was paid from 1st April, 1964, was payable to all employees of the Corporation drawing basic pay upto Rs. 650 per month, without determining whether such employee was a workman covered by the reference or not.

38. But, I find that the very first paragraph of the joint application of the Air India and the Air India Corporation Employees' Union stated as follows:—

"By another Notice No. 15/64-65, dated June 1, 1964, the Management of Air India announced grant of interim relief on the scales mentioned in Appendix A and the said relief is being paid to the workman drawing a basic pay upto Rs 650 per month covered by the above reference, with retrospective effect from 1st January, 1964."

It is thus clear from the language of the joint application filed by the Air India Corporation and the Air India Corporation Employees' Union, which Union represents the complainant in this case, that the *ad hoc* increment on the demand for interim relief was payable to employees who were workmen covered by the reference. If, therefore, the *ad hoc* increment was paid to the applicant, the only assumption to draw would be that it was paid to him because he was a workman concerned in that reference. But apart from the payment of the *ad hoc* increment by way of settlement of their demand under Item No. 57 for interim relief to the applicant, there is other evidence to suggest that the benefit of the Award had accrued to the applicant, as a workman concerned in that dispute.

39. It is true that in the Award of the National Industrial Tribunal, no pay scales have been prescribed for the category of Assistant Station Superintendent nor is there any mention of any post of Crew Scheduling Officer, Customer Service, or that of Crew Scheduling Officer (Operation). The argument of Shri Vimadalal, learned Counsel for the opposite party was that this was because the case of Officers of the Air India was represented by the Air Officers' Association, whose demands were not referred to the Khosla Tribunal and that that Association had therefore not appeared before Justice Khosla. However, the applicant has in cross-examination denied that he was a member of the Air India Officers' Association, and he claims that he is represented by the Air Corporation Employees' Union, whose representatives have appeared on his behalf at the hearing of this application. It does appear that before the Khosla Tribunal no demand was made for revision of the scale of pay of Assistant Station Superintendent or for crew Scheduling Officers nor were any exhibits filed on their behalf and the entire Award contains no reference to these categories or designations. However, Shri K. P. V. Monon, learned advocate for the Applicant has, pointed out that in the Award the Schedule of employees had been reproduced and it showed the designation of Assistant Station Superintendent in Grade 24 (See page 284 of the Gazette copy of the Award).



40. Now, before the Tribunal objections had been taken regarding the competency of the Tribunal to deal with cases of certain categories of employees on the ground that they did not fall within the definition of workman as set out in the Industrial Disputes Act, 1947. In para 57 of the replication filed by the Air India it was contended that the following categories of employees are not workmen:—

- (1) Dispensary Surveyor.
- (2) Category Surveyor.
- (3) Assistant Security Officer.
- (4) Supervisor of Telephones.
- (5) Teleprinter Supervisor.
- (6) Junior Officer.
- (7) Progress Supervisor.
- (8) Chief Time Keeper, etc.

The learned Tribunal in para 43 of its Award (page 316 of the Gazette copy) observed that the use of the word "etc." after Chief Time Keeper seems to imply that the Corporation also had in mind other categories of employees not mentioned in para 57 and who were also to be excluded from the scope of these proceedings.

41. It appears that later the Corporation had contended that the following five categories of employees were not workmen and their cases could not be considered by the Tribunal viz.,

- (1) Junior Technical Officer.
- (2) Technical Officer.
- (3) Senior Technical Officer.
- (4) Assistant Chief Flight Purser.
- (5) Assistant Chief Air Hostess.

Finally, by letter dated 20th May, 1965, some more categories of employees were enumerated and with regard to these also the objection on the same ground was taken;

- (1) Chief Artist.
- (2) Assistant Chief Flight Purser
- (3) Assistant Chief Air Hostess.
- (4) Junior Officer.
- (5) Junior Accountant.
- (6) Section Officer.
- (7) Chief Time Keeper.
- (8) Security Inspector and
- (9) Planner.

As noticed by the Tribunal in Para 46 of its Award there was a certain measure of over-lapping in the three lists, but that had no bearing on the validity of the argument. The Unions had denied that these categories of persons were not workmen under the Industrial Disputes Act and stated that they were workmen as defined under the Act, and also covered by the definition of the term "industrial dispute" under Section 2(k) of the Act; that the scales of pay of these categories had been agreed upon in the previous adjudication and had been subject matter in an Arbitration Award which had been implemented by the Corporation. The workmen relied upon the decision of the Supreme Court in the case of All India Reserve Bank Employees Association and another and the Reserve Bank of India and another and contended that the workmen who were directly and substantially interested in the industrial dispute can include within the reference a dispute on behalf of any person whose terms of employment or conditions of labour, is connected with their own dispute. The Learned Tribunal in para 48 of its Award stated and observed as follows:—

"The contention that many of the employees with regard to whom an objection was taken by the Corporation had been the subject matter of the previous reference to the Committee of Arbitration and



the subsequent Award based upon a settlement is somewhat exaggerated. I find on referring to the agreement of April 1, 1959 and May 9, 1960 that only three of the employees mentioned in paragraph 57 of the replication of the management were included in the previous proceedings Assistant Security Officer and Chief Time Keeper figure both in the agreement of April 1, 1959 and May 9, 1960. Junior Officer figures in the agreement of May, 1960. The cases of the remaining five employees were not considered at that time."

In para 50 of its Award the Tribunal observed,

"with regard to the remaining categories, I may mention the case of the Assistant Chief Flight Purser who is placed in the same grade as the Flight Purser. The Flight Purser being admittedly a "workman" will not be preferred to the Assistant Chief Flight Purser merely on the ground that the latter does supervisory work. This is so, quite apart from the argument that the Assistant Chief Flight Purser will almost invariably be promoted from the grade of Flight Purser to Assistant Flight Purser both of whom are admittedly workmen within the scope of the Industrial Disputes Act, and, therefore, his case can be taken up by the workmen as being "connected" with them. Similar remarks apply to the Assistant Chief Air Hostess in grade 22 who enjoys the same pay-scales as the Air Hostess and from whom, therefore, her case cannot be distinguished when the pay-scales have been revised."

I may state that the Learned National Tribunal accepted the principles laid down by the Supreme Court in the case of the Reserve Bank of India (1965 II LLJ, p. 175) and the Dima Kuchi Tea Estate (1958 I LLJ, page 500 at page 510) and observed that,

"this principle when applied to the case of the five categories mentioned above, brings the conditions of service of these employees within the scope of my enquiry because employees in all the above mentioned categories may be promoted from amongst the employees, who are strictly "workmen" within the definition set out in the Industrial Disputes Act. Their conditions of service are intimately connect with the conditions of services of other categories and it is correct beyond doubt that these employees are persons in whom the workmen are substantially interested."

42 In para 54, the Learned Tribunal summed up the position as follows:—

"Summing up therefore, it is seen that three categories of employees were included in the previous arbitration and an award made on the basis of the settlement between the parties. With regard to these three, therefore, the Corporation has, in the previous agreement, conceded that they were "workmen" who could raise an industrial dispute with the Corporation. With regard to three others, the Corporation offered to revise their pay-scales in conformity with the grades in which they fell. With regard to all, the principle laid down by the Supreme Court in the abovementioned cases (The Reserve Bank's and the Dima Kuchi Tea Estate) applies, and therefore, the case of these persons and the demands made on their behalf cannot be excluded from the terms of the present reference. The objection of the Corporation, is, therefore, over-ruled and these categories are included in the grades which follow."

43 Now, in table 23 at page 322 of the Award, the existing grade No. 24 was changed to new Grade 22 and the Award stated that the following categories were covered by the new Grade 22 viz., Chief Artist, Planner, Junior Officer, Chief Time Keeper, Junior Accountant, Section Officer, Security Inspector. It is of importance to know that the category of Junior Officer has been included as workmen of the old grade No. 24 which has been constituted into the new Grade 22, and the Tribunal in place of the old scale of pay of Rs. 300—25—500—50—650 awarded the new scale of pay of Rs. 460—25—560—40—720—50—870. The important point to note is that by Exhibit W-7, dated 22nd March, 1965, the General Manager, has, as I have stated earlier, in the clearest possible terms stated that the applicant Rebello was a Junior Officer (Asst. Station Superintendent) of the Commercial Department. Now as a Junior Officer has been held to be a workman under the Industrial Disputes Act, and one concerned in the Industrial Dispute pending before the National Industrial Tribunal and as in the written opinion of the General Manager, as stated in Ex. W-7, Rebello was



a Junior Officer on 23rd March, 1966, he must necessarily be held to be a workman concerned in the industrial dispute before the National Industrial Tribunal during the pendency of which his services were terminated by the Corporation.

44. I think Shri Menon the learned Advocate for the Applicant was completely right when he stated that what the National Industrial Tribunal had done was not to alter the existing categories but merely to award them higher scales of pay because in para 349 at page 418 of the Award, Justice Khosla has observed as follows:—

“As the categories covered by the existing grades have not been altered and the pay scales have been framed on the basis of the yearly increment, there will be no difficulty or complexity in applying the new pay scales to all workmen of various grades” (underlining mine)

It also appears from paragraph 37 of the Award that the National Tribunal was not able to exhaust all categories of employes and that the categories appearing in the various tables in the Award are only illustrative and not exhaustive. If this was not the correct interpretation then according to the Union about 1500 workmen would not come under Table 9 at page 306.

45. The next point urged by Shri Menon, learned Advocate for the Applicant is that under the terms of reference to the Khosla Tribunal (page 186 and 187 of the Award) there were other demands such as for weekly rates of payment, dearness allowance, house-rent allowance, travelling allowance, provident fund, leave facilities, medical facilities, retiring age, hours of work, promotion, gratuity and interim relief, etc. Shri Menon has urged that if it is held that Rebello was a workman, as defined by section 2(s) it could not be held that he was not concerned in the industrial dispute because the industrial dispute which was referred to Justice Khosla by Government Notification was an industrial dispute between Air India and its workmen. He has further referred to the provisions under Sections 18 and 19 of the Industrial Disputes Act and has argued that under Section 18(3) of the Act the Award of a Labour Court, Tribunal or National Industrial Tribunal, which has become enforceable shall be binding on all persons who are employed in the establishment or part of the establishment as the case may be, to which the dispute relates on the date of the dispute and all persons who subsequently become employed in that establishment or a part thereof. He has, in my opinion, rightly argued that even conceding that Rebello's scale of pay as Asstt. Station Superintendent had not been revised it would not mean that being a workman he would not be entitled to the benefit of the Award on the other general demands. He has in support relied upon the decision in the case of the New India Motor Works *versus* Morris K.T. (1960 I. LLJ. page 551) and upon the decision in the case of the Sangli Municipality *versus* its workmen (1960 II LLJ. page 465).

46. In the first case the Supreme Court held that *prima facie* the argument that the expression “workmen concerned in the dispute” occurring in Section 33 of the Industrial Disputes Act, 1947 (as amended by Act 36 of 1956), should be limited to the workmen directly or actually concerned in such dispute seems plausible, but on examining the scheme of the Act and the effects of these material and relevant provisions of these sections (Section 2K and Section 18) such limited construction should not be accepted. Shri Menon, Advocate for the Applicant relying upon these decisions argued that as the applicant was a workman concerned in the dispute, it was incumbent on the Opposite Party to file an application under Section 33(2)(b) for approval of its action in dismissing the Applicant and having failed to do so and having failed to comply with the two conditions prescribed under the proviso to that Section *viz.*, of one month's notice pay and filing of an application for approval of its action in dismissing the applicant, the opposite party had made a breach of section 33(2)(b) of the Industrial Disputes Act, and, therefore the present complaint under Section 33A of the Act was maintained.

47. For the reasons stated above, I am satisfied that the applicant was a workman concerned in the Industrial Disputes before the National Industrial Tribunal, and that as his dismissal took place during the pendency of that adjudication admittedly without an application having been made under Section 33(2)(b) for approval and without one month's wages having been paid to him, there has been a breach of Section 33 of the Act by the opposite party and this complaint under Section 33A would be maintainable.

48. The third objection urged by Shri Vimadlal is that having terminated the services of Rebello by notice under Regulation 48 of the Air India Service



Regulations, approval or permission of the Tribunal under Section 33 of the Act was not necessary. Now Regulation 48 of the Air India Employees Service Regulations is as follows:—

**"48. Termination.**—The services of an employee may be terminated without assigning any reason as under:—

- (a) of a permanent employee by giving him 30 days notice in writing or pay in lieu of notice.
- (b) of an employee on probation by giving him 7 day's notice in writing or pay in lieu of notice.
- (c) of a temporary employee by giving him 24 hours notice in writing or pay in lieu of notice.

**Explanation.**—For the purposes of this Regulation, the word "pay" shall include all emoluments which would be admissible if he were on privilege leave."

It is admitted that Rebello was a permanent employee and that the said Regulation 48 applies to both workmen and officers. Shri Vimadlal has argued that as under Regulation 48 the services of an employee could be terminated without assigning any reason, the termination of Rebello's service under Regulation 48 amounted to discharge simpliciter, which did not require the Opposite Party to file any application before the Tribunal under Section 33 of the Act. Shri Vimadlal has relied upon the judgement of the Division Bench of the Bombay High Court in the case of National Machinery Manufacturers Ltd., (1966 Bombay Law Reporter, Para 169 at page 181). But that was a case where no misconduct was alleged against the workmen whose services were terminated. As I have stated earlier, the opposite party had in the beginning not disclosed the reasons why it had terminated the services of the opposite party. But later, it filed a written statement on merits, to which I have referred earlier, in which it stated that it terminated the services of Rebello because serious complaints had been made by air-hostesses against his behaviour towards them. This clearly shows that the termination of service of Rebello was due to mis-conducts alleged against him by air hostesses of the Corporation. Being dismissed for misconduct the case would not fall within the facts of the National Machinery Manufacturer's case, and would not be a case of discharge simpliciter. Shri Vimadlal has next argued that this was a case of loss of confidence where the employer was entitled to terminate the service of his employee. But that could be so, only if on merits it is established that there were justifiable grounds for loss of confidence.

49. In the ultimate analysis what the opposite party is doing is to claims its right to terminate the services of its employees at any time by just giving a month's notice or paying wages in lieu of such notice. Such conduct has been disapproved by the Hon. Supreme Court in its decision in the case of U. B. Dutt & Co. vs. Its workmen (Kozhi Kode Taluk Lercha Nilshoyilali Union 1962 1 LLJ. n. 374) where their Lordships observed:—

"It is too late in the day for an employer to raise a claim to terminate the services of his employee at any time by just giving notice or paying wages in lieu of such notice for it amounts to a claim "to hire and fire", an employee as the employer pleases; such claim completely negatives security of service which has been secured to industrial employees through industrial adjudication for over a long period of time now."

As far back in 1952 (1951 II LLJ. page 314) the Labour Appellate Tribunal had occasion to consider this matter relating to discharge by notice or in lieu thereof by payment of wages for a particular period, without assigning any reason where it held that even in the case of such a kind, the requirement of bonafide is essential and if the termination of service is colourable exercise of power or as a result of victimisation or unfair labour practice the industrial Tribunal would have the jurisdiction to interfere and set aside such termination."

50. As in this case, it is clear that the service of the applicant were terminated because the Management felt he was guilty of misconduct of a serious nature, viz., mis-behaviour with air-hostesses, the Corporation could not terminate his services during the pendency of the Industrial dispute, without making the necessary application for approval under Section 33(2)(b) of the Industrial Disputes Act after complying with the two conditions prescribed by the proviso to the section. Having failed to do so, and thus having committed breach of Section 33, the applicant was justified in making his application under 33A of the



Act, which I hold would be maintainable. It is necessary to state that during the 9 years service of the applicant with the opposite party, there was not a speck on his service record. It is too late in the day now for an employer to terminate the services of its workman on the ground of discharge simpliciter or loss of confidence without serving a charge-sheet on the workman and giving him an opportunity to be heard.

51. Under Section 33A even though there may be breach of Section 33 of the Act, it is open to the employer to justify the dismissal of the workman on the merits. By this Award Part I I have only dealt with the preliminary objections raised by the Corporation against the maintainability of this application.

52. For the reasons stated above I hold that the applicant Rebello was a workman and that he was also a workman concerned in the industrial dispute before National Industrial Tribunal which was pending on the date of the dismissal, and that the dismissal was not discharge simpliciter but in breach of the provisions of Section 33 of the Industrial Disputes Act, and, therefore, this complaint is maintainable. This application will, therefore, be proceeded with on merits and a date will be fixed for hearing of this complaint on merits. This Award Part I is directed to be submitted to Government for publication in the official Gazette.

53. In conclusion I should like to express my appreciation of the marked ability shown by Shri K. P. V. Menon the learned Advocate for the Applicant in the conduct of this case.

(Sd.) SALIM M. MERCHANT,

Presiding Officer,

Central Government Labour Court, Bombay.

[No. 17/1/66-LRIV.]

S. S. SAHASRANAMAN, Under Secy.

**(Department of Labour and Employment)**

*New Delhi, the 11th May, 1967*

**S.O. 1781.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-cum-Labour Court (Central), Jabalpur, in the industrial dispute between the employers in relation to the New Chirimiri Ponri Hill Colliery, Post Office Chirimiri, and their workmen, which was received by the Central Government on the 7th May, 1967.

**BEFORE THE CENTRAL INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR.**

*Dated, April 17, 1967*

**PRESENT:**

Sri G. C. Agarwala.—*Presiding Officer.*

REFERENCE No. CIT/LC-(9)/66 (JABALPUR)

REFERENCE No. CGIT-(59)/1965 (BOMBAY)

In the matter of an Industrial Dispute between the employers in relation to New Chirimiri Ponri Hill Colliery Post Office Chirimiri and their workmen.

**APPEARANCES:**

*For the employers.*—Sri G. Srinivasan, Chief Mining Engineer.

*For the workmen.*—Sri Hardev Singh, General Secretary, M. P. Koyala Mazdoor Panchayat, P.O. Kurasia Colliery, Distt., Surguja (MP).

**INDUSTRY:** Coal Mine.

**DISTRICT:** Surguja (M.P.).

**AWARD**

By notification No. 5/19/65-LR-II dated 10th September, 1965, the Ministry of Labour and Employment, Government of India, referred the following matter of



dispute as stated in the Schedule to the order of reference to Central Government Industrial Tribunal Bombay under Section 10 of the ID Act—

# SCHEDULE

“Whether the management of New Chinnani Ponni Hill Colliery was justified in dismissing the following workmen?”

- 1 Shri Ramna Pande S/o. Bansi, D C Driller
- 2 Shri Dharni Kar S/o Rajni Kar Pump Driver
- 3 Shri Triveni S/o Ruchai D C Khallasi
- 4 Shri Nani Gopal Airmature Winder Helper
- 5 Shri Nikhil Kumar Dutt, Asst Electrician
- 6 Shri G Mohanti, Clerk Grade II

If not to what relief are they entitled?”

2 The proceedings remained pending before the said Tribunal from 23rd September 1965 to 24th September 1966, whereafter it was transferred to this Tribunal by Notification No 8/141/66-LRI dated 17th September, 1966

3 The employers in this case are the management of New Chinnani Ponni Hill Colliery P O Chinnani of which Sri G Srinivasan is the Agent and the Chief Mining Engineer. The workmen are represented by M P Koyala Mazdoor Panchayat P O Chinnani of which Sri Hardev Singh is General Secretary. Both parties filed their statements of claim before the Bombay Tribunal, the Union on 15th October 1965 and the Management on 19th October 1965. The employers also filed their rejoinder on 18th October 1965. Subsequent to their filing rejoinder they introduced communications, one after another as supplementary one on 2nd November 1965 and another on 13th November 1965. They continued to inflict more communications unnecessarily so much so that one of their communications dated 15th November, 1966, was ordered to be filed. The Union filed their rejoinder only in this Tribunal on 26th October, 1966 and not earlier. They also attempted to introduce replies to employers communications unnecessarily which were also ordered to be filed.

4 From the statements of claim and rejoinders which cover several pages and in which the employers have copiously indulged in quoting and discussing all sorts of rulings and case law which are mostly irrelevant it became difficult to find out the real points in controversy and to pick up grain from the chaff. However stating it broadly the dispute culminating in the dismissal of the six concerned workmen may be stated as follows —

5 MP Koyala Mazdoor Panchayat is a registered union, membership of which is open to all workers of the collieries in MP. It has its office in Kurasia Colliery in the Korea Coalfield. One of the neighbouring collieries is this colliery, New Chinnani Ponni Hill Colliery. There was only one union operating for workers of this colliery besides other collieries the MP Colliery Workers Federation. According to MP Koyala Mazdoor Panchayat workers of this colliery were dissatisfied with the ways and means of the working of MP CW Federation and approached this Union MP Koyala Mazdoor Panchayat, to open its branch for the colliery also. Consequently this Union rather Panchayat decided to extend its activities for enrolment of members in this colliery also in December, 1964 and a formal resolution was also passed on 27th December, 1964. In consequence thereof they succeeded in the first week of January to enlist as many as 130 members in number including the six concerned workmen and in block whereof the Subscription Register (Ex W/5) and Counterfoil Receipt Book (Exts W/3 and W/4) have been filed. These would show that the enlistment took place during the period 30th December 1964 to 9th January 1965. The first three named workers S/Sri Ramna Pande, Dharni Kar and Triveni, specially Ramna Pande were most active in enlistment of members when the Agent Sri G Srinivasan was out of headquarters from 3rd January 1965 to 9th January 1965. On his return he came to know of the activities of these workers through the Asstt Manager Sri U C Mehra, and it is claimed that there were mass applications by some of the workers who had been enlisted as members complaining that they



had been duped by Ramna Pande. The Agent thereupon lost no time in charge-sheeting these workmen. In order to understand the working of his mind on the subject, the charge-sheet in verbatim may be reproduced. It runs as follows:—

Colliery Office,  
P.O. Chirimiri S.E. Rly  
Distt. Surguja, M.P.

Ref No. Staff/12/501-13 Dated the 13th January, 1965.

To

- |  |  |
|--|--|
| (1) Shri Ramna Pandey s/o Banst, D.C. Driller  | } New Chirimiri Ponri Hill.<br>Colliery, P.O. Chirimiri. |
| (2) Shri Dharni Kar s/o Rajni Kar, Pump Driver |  |
| (3) Shri Triveni s/o Ruchai, D.C. Khalasi      |  |

Dear Sir,

We have received written applications from a few of our workers on your serious misconduct, a summary of which is detailed hereunder:—

(1) In the night shift on 4th instant Shri Ramna Pandey has misguided our workers during his duty hours inside the Adit and giving false hopes that he would get more rates for roof coal, floor coal, etc. and without informing the contents; he has taken by coercion thumb impression of various workers:—

1. Shri Achha Das s/o Bodhram Coal Dresser;
2. Shri Kartik s/o Dhursai Coal Dresser;
3. Shri Damla s/o Jailal, Coal Dresser;
4. Shri Dahkla s/o Bahoran, Coal Dresser;
5. Shri Babulal s/o Bahoran Coal Dresser;
6. Shri Mangloo s/o Jagan Nathi, Coal Dresser;
7. Shri Ramo s/o Ulla, Coal Dresser;
8. Shri Baouri s/o Sanchno Coal Dresser;
9. Shri Shamlal s/o Bahjoram Coal Dresser;
10. Shri Prem s/o Dukhiram, Coal Dresser;
11. Shri Ganga Dayal s/o Kunj Ram, Coal Dresser;
12. Shri Bhawani s/o Gopal, Coal Dresser;
13. Shri Budhram s/o Nanki, Coal Dresser;
14. Shri Bhajino s/o Bhimo, Hammerman;
15. Shri Rama s/o Pillo, Coal Dresser

and the above workers have complained to us to this effect stating that they remain misguided by Shri Ramna Pandey.

(2) Shri Ramcharan, our Sirdar on duty on 5/1/65 has given written application to the effect that in the night shift Shri Triveni, D. C. Khalasi, neglecting his duties and gathering a crowd of workers near the Travelling Road in 11 East of 1 North working place has taken signature by coercion and without explaining the contents for forming a new union and this matter of neglect of duty and political activity inside the mine during duty hours was detected by Sirdar and Shri Triveni was asked to attend to his work;

(3) There is an application by our following workers:—

1. Shri Chamroo Ram s/o Sahdev, D.C. Mazdoor;
2. Shri Sukhram s/o Kishun, D.C. Driller;
3. Shri Bontho s/o Dhanoo, D.C. Driller;
4. Shri Sakroo s/o Faundmai, D.C. Mazdoor;
5. Shri Ramcharan s/o Buddo, D.C. Mazdoor;
6. Shri Hira s/o Dakhal, General Mazdoor; (Badli)
7. Shri Mansai s/o Mukalsai, General Mazdoor(").

all this application is duly also countersigned by Shri Ramcharan, our Sirdar on duty that on the night relay of 5th instant Shri Ramna Pandey, D.C. Driller and Shri Triveni, D.C. Khalasi, were found misleading, coercing and forcibly taking signatures of illiterate workers even without letting them know the contents of the letter in which thumb marks are taken.



(4) There is an application of 7th instant by Shri Parsad s/o Ramsai, Loader and this application stands duly attested by Shri Ranglal, Dresser and Shri Ali Bux, Loader that whilst he was going to Bazaar on 3rd instant Shri Ramna Pandey, D.C. Driller; Shri Dharni Kar, Pump Driver, along with some unknown person, took forcibly signature by coercive methods on an application which he has not yet understood and the applicant as such prays for an investigation.

Incidentally, from Madhya Pradesh Koyala Mazdoor Panchayat, P.O. Kurasia Colliery, we have received also their letter No. KMP/NCPH/267/65 of 8th instant receipted here on 11th instant, informing us of their having started a Branch in our Colliery and stating that some 100 workers have enrolled themselves as Members of their Organization and that the number is increasing day by day.

The earlier applications of our workers remain receipted on 5th instant and later by our Assistant Manager and the Agent & Manager was out of station till 10th instant, when, he returned to the Colliery premises along with his Director, as such, this matter despite its serious nature could not be dealt with any earlier.

Whilst we have absolutely no objection for our workers forming any Union and whilst in our knowledge we have one Recognised I.N.T.U.C. Union, which is sponsored by all our workers, we are yet to hear from any one worker about their desire to freely and voluntarily get dissociated from this I.N.T.U.C. Union or in forming another Union. That apart, neglecting the work and during duty hours inside the mine interfering and impeding in the duties of others by such coercive and forcible methods happen to form a serious misconduct. By your actions three persons have committed breach of Standing Order 27 and in particular the following Sub-Sections thereof namely,

- (2) Dishonesty;
- (5) Indecent behaviour;
- (7) Neglect of work;
- (9) Causing damage to work in progress;
- (11) Malingering; and
- (19) Breach of Mining Regulations—in particular Regulation No. 38(3)(b) which debars from leaving his assigned working place except for some justifiable purposes; read with Regulation 2(35) defining a 'Working Place' in a mine as one to which any person has lawful access.

We take a very serious view of this situation. For any of the misconduct above cited summary dismissal is warranted. Your explanation, if any, is sought within 24 hours and it is proposed to hold a Departmental Enquiry on you to verify the written allegations standing receipted against you and we are seriously apprehensive of the seeds of dissension you are throwing in a coercive manner forcibly taking signatures of illiterate workers and that too during duty hours inside of the mine and after giving all social justice and hearing witnesses that you may desire producing, the crime will be duly assessed and the appropriate punishment inflicted on you since it is imperative to safeguard the Industrial Peace which is so far prevailing in our Unit.

The proposed Departmental Enquiry will be conducted on 19th instant Tuesday by our Welfare Officer in his Office at 8 A.M. In case, your written explanation within 24 hours is not receipted and in case you don't attend the Enquiry, the same will be conducted *ex parte* and you will be dealt with as found fit by the Enquiry Officer."

6. After the three concerned workmen filed their replies a domestic enquiry was held by the Labour Welfare Officer, Sri Vishwakarma. It may be mentioned that Triveni admitted rather confessed the subject matter of the charges and threw at the mercy of the management. Upto a certain stage, G. Mohanti (SI No. 6) represented the charge-sheeted workmen in the enquiry. He was charge-sheeted on 30th January, 1965, particularly on the ground that he had taken train fare for going home and was on leave for 15 days from 4th to 20th January whereas he did not in fact proceed to his home and remained in station indulging in union activities. Sri Vishwakarma, Labour Welfare Officer, was again the Enquiry Officer. Subsequently, after the report of the Enquiry Officer finding him guilty the Manager, Sri Bal Krishnan, referred the case to the Agent and the Agent, Sri Srinivasan, himself conducted a fresh enquiry on the basis of which he found the charges proved and dismissed him by an order dated 20th February, 1965 (Ex. M/19).



7. The case of Nani Gopal and Nikhil Kumar Dutt (Sl. Nos. 4 and 5) of the Schedule to the order of reference) stands linked together arising out of a common subject matter. They were allotted separate quarters. It appears that the quarter of Nikhil Kumar Dutt was electrified but he had not been residing therein. He had been residing and taking meals with his brother at Kurasia. He lent his quarter to Nani Gopal. On a check on 23rd January, 1965, by the Engineer, Sri Gaffar, Nani Gopal was found residing in the quarter of Nikhil Kumar Dutt and using two bulbs of 100 watts each. The unauthorised permission by Nikhil Kumar Dutt to allow Nani Gopal to use his quarter without the express permission of the management and the conduct of Nani Gopal in not residing in his own quarter but residing in the quarter of Nikhil Kumar Dutt and in using two electric bulbs, each of 100 watts instead of 60 watts each sanctioned by the management was considered a serious misconduct and in consequence whereof both were charge-sheeted and a joint enquiry was held by the Labour Welfare Officer, Sri Vishwakarma. They both were, thereafter, dismissed by an order dated 13th February, 1965 (Ex. M/36).

8. The Union, M. P. Koyala Mazdoor Panchayat, which had suspended its activities after lightning action taken by the management charge-sheeting and dismissing these workers one after the other took a serious view and for fear of further victimisation of workers if they enrol more workers as their members did not open a branch in the colliery, but took up the matter in conciliation which in due course resulted in this reference.

9. According to the Union, the action of the management was mala fide and was calculated to victimise workmen for their audacity to become members and because of their attempt to enrol more members for this union. Their services have been terminated on flimsy ground. The domestic enquiries were empty formalities and were not conducted bona fide. They have been clearly victimised and their services have been terminated for no misconduct on their part. The management denied the allegations and contended that all the six concerned workmen were guilty of the misconduct for which they had been charge-sheeted. It was vehemently contended on their behalf that the Tribunal has no jurisdiction as the dispute is not an industrial dispute and Koyla Mazdoor Panchayat was not competent to raise the dispute. It is, therefore, necessary to dispose of this preliminary objection before dealing with other questions.

10. On the employers insistent request and considering the fact that admittedly M. P. Koyla Mazdoor Panchayat had suspended further enrolment and activities and further finding that some of the members enrolled by them had really turned into rebels and had denounced their membership, it was found expedient to require the parties to produce evidence on this preliminary objection and record a finding thereon so that if M. P. Koyala Mazdoor Panchayat was not really representative of the workmen to sponsor the dispute of dismissal of the six concerned workmen it would remain an individual dispute and would not be an industrial dispute to confer jurisdiction to this Tribunal. With this in view, the Union was first required to produce evidence which it did on 31st October, 1966 and 16th November, 1966. The management then examined their evidence on 6th January, 1967 and on which date another witness was examined by the Union. After arguments were heard on 19th January, 1967 and order was reserved, it was found that considering the peculiar facts of this case, the position of law is really not firm and the view which may be taken by me may ultimately not find favour with the High Court or the Supreme Court. It was, therefore, considered expedient that the parties should be required to produce their entire evidence on the whole case so that this question and if necessary other questions could be determined without risk of harassment to the parties. The management, therefore, produce evidence both on the bona fide and validity of the enquiry and also on the alleged misconduct. The Union also examined witnesses in rebuttal.

11. From the evidence of Sri Hardev Singh (W.W. 1) who filed the Constitution of the Union (Ex. W/1) it appears that the Union is competent to enlist members among the workers of all coal mines in Madhya Pradesh. Sri Appa Rao (W.W. 3) stated that as workers had not been paid for lead and lift there was dissatisfaction and they approached the Union to open branch in this colliery. Sri Hardev Singh (W. W. 1) filed Minutes Book, Subscription Register and the Counterfoil Receipt Books (Exts. W/2, W/5 and W/3 and W/4). The Subscription Register shows that G. Mohanti, Dharni Kar and Nani Gopal paid subscriptions and therefore became members on 30th November, 1964. Ramna Pande paid subscription on 2nd January, 1965. They are mentioned at sl. nos. 1 to 4. Triveni paid subscription on 5th January, 1965 and is mentioned at sl. no. 39. Nikhil Kumar Dutt is mentioned at sl. no. 97 and paid subscription on 9th January, 1965. The relevant



counterfoils are found in the Receipt books (Exs W/3 and W/4). There is thus no doubt that these concerned workmen became members of this Union, M. P. Koyala Mazdoor Panchayat. 113 workers of this colliery were enlisted as members. The Minutes Book (Ex. M/2) shows that there was a meeting of Executive Committee held on 27th December, 1964 (Ex. W/2-A) in which it was resolved that the activities should be extended to neighbouring collieries. The General Secretary was directed to open a branch of the Organisation at Ponri Hill first. Since this last sentence about the direction to open a branch at Ponri Hill at first sight appeared to be an interpolation and the minutes were recorded in the writing of the clerk, Sri Parimal Chandra, it was directed that Sri Parimal Chandra should be examined. He was examined on an adjourned date as W.W. 2. He proved the entire writing and explained that the addition was not an interpolation. Subsequent part of the minutes related to accounts matter and was in the writing of the cashier. Whether this writing was original or an interpolation is of little consequence. The fact remained that there was enlistment of workers of this colliery from 20th December, 1964 to 9th January, 1965 and further enrolment was stopped because for fear of victimisation after the lightning action had been taken by the management. On the dismissal of the six concerned workmen, the Minutes Book (Ex. W/2) would show that in the proceedings of the Executive Committee dated 25th March, 1965 it was resolved that necessary action should be taken against the management for dismissal. The sponsoring of dispute by the General Secretary before the conciliation was in furtherance of this authority and resolution. The only question is whether this Union, M. P. Koyala Mazdoor Panchayat had assumed a sufficiently representative capacity to raise the dispute so as to make it an industrial dispute.

12 The Colliery has about 1600 workers as stated in the affidavit of Sri R. M. Jain, Dy. General Secretary, M.P.C.W. Federation, a rival Union. He has stated in his affidavit that 90 per cent are members of his union and 275 had paid subscriptions upto December, 1964. The management attempted to introduce certain affidavits of some of the workers contending that they had been duped and were not members of M. P. Koyala Mazdoor Panchayat. Such affidavits without being required to be filed and tested by cross-examination are of no avail. A few witnesses, however, were so examined and they are Ravi Baro (E.W. 1), Dhanna (E.W. 2), Kartik (E.W. 3), Sakhru (E.W. 4) and Persad (E.W. 5). The evidence of these alone may be considered, Ravi Baro (E.W. 1) is mentioned at Sl. No. 109 of the Subscription Register (Ex. W/5). Although he denied that he paid any subscription and became member yet Counterfoil No. 1296 records his name and thumb impression which was not specifically denied by him. Dhanna (E.W. 2) similarly denied membership and affixation of his thumb mark. It does not stand to reason that anyone would have paid subscription out of his own pocket so as to enlist these persons as bogus members. Kartik and Sakhru (E.Ws. 3 and 4) stated that at the instance of Ramna Pande they were admitted to membership but denied having paid any subscription. They cannot be believed for the same reason. Persad (E.W. 6) stated that his thumb mark was forcibly obtained by Dharni Kar and Ramna Pande in the Bazar but he never paid any subscription. The evidence of these witnesses carries little conviction. The fact remained that till action was taken against these six concerned workmen after 10th January, 1965 more than 100 persons had become members of this M. P. Koyala Mazdoor Panchayat, a union of the industry, and which for fear of further victimisation had suspended enlistment of more members. This leads to the legal question whether a union having about 100 members out of about 1600 workers can raise a dispute by way of an industrial dispute.

13. Subsequent to the Bombay Union of Journalists case, the Hon'ble Supreme Court in Indian Cable Co., Ltd. v. Its workmen reported in 1962 (1) LLJ p 469 made a pertinent observation which may be reproduced having a bearing on this case:—

"But the reason on which these decisions rest, viz., that the policy behind the Industrial Disputes Act is to protect workmen as a class against unfair labour practices and not to enact special provisions for enforcing the claims of individual workmen, would equally militate against the contention that a dispute which is essentially individual in character would become an industrial dispute merely because two persons have joined in it. What imparts to the dispute of a workman the character of industrial dispute is that it affects the rights of the workmen as a class. That is why the above decisions lay down that the dispute of a single workman would become an industrial dispute when it is sponsored by a union or by a considerable number of workmen; for it can then be taken that it does affect them as a class. No hard and fast



rule can be laid down as to the number of workmen whose association will convert an individual into an industrial dispute. *That must depend on the facts of each case, and the nature of the dispute. The group might even be a minority, as held by this Court in Associated Cement Companies, Ltd. V. Their workmen (1960-1-LLJ 491). But it must be such as to lead to an inference that the dispute is one which affects workmen as a class*".

14. The rights of workmen as a class, as the underlined passage would indicate, were the guide lines to impart the dispute the character of an industrial dispute. Whether the Union must be of the establishment itself or of the industry was not a point which came up for any pointed discussion and consideration. On the basis of Hindu Bombay case a rigorous view seems to have been adopted by adjudicating authorities and when the dispute of individual nature was taken up by a general union of an industry, proof was insisted upon to show that the general union had sufficient workers of the establishment in question so as to make it sufficiently representative of workers of the establishment of the concern to sponsor the dispute. The whole concept has now changed after a recent pronouncement of the Hon'ble Supreme Court in *Workmen of Dharampal Prem Chand Saugandhi Vs. Prem Chand Dharampal Saugandhi*, reported in 1965(1) LLJ p. 668. Observations made in *Bombay Union of Journalists* case were explained and restricted to the facts of that case. It would be important to reproduce an observation of the Hon'ble Court:—

"It is well-known that in dealing with industrial disputes, industrial adjudication is generally reluctant to lay down any hard and fast rule or adopt any test of general or universal application. The approach of industrial adjudication in dealing with industrial dispute has necessarily to be pragmatic, and the tests which it applies and the consideration on which it relies would vary from case to case and would not admit of any rigid or inflexible formula. There is no doubt that the limitation introduced by the decisions of this Court in interpreting the effect of the definition prescribed by Section 2(k) of the Act were based on such pragmatic considerations."

In this case the sponsoring union was a general union of which the dismissed 18 workers out of 45 were the only members. It was observed that "in every case where industrial adjudication has to decide whether reference in regard to the dismissal of an industrial employee is validly made or not, it would always be necessary to enquire whether the Union which has sponsored the case can fairly claim a representative character in such a way that its support to the cause would make the dispute an industrial dispute." It was even conceded that considering the definition of industry in Section 2(j) a dispute raised by a union of the industry regarding a worker of an establishment in the same industry may be an industrial dispute if the establishment has no union of its own, and an appreciable number of such workmen had joined such other union before their dismissal.

15. With this wide latitude given to an industrial adjudicator a general union of the same industry can now take up a dispute. The only requirement is that it should have an appreciable number of workers as its members. On behalf of the employers against this authority of *Dharampal Prem Chand Saugandhi's* case, it was contended that the Hon'ble Court had qualified the observation by the words that "there should be no union of the workmen in such establishment before the union of industry can take up the dispute." The observation was in a hypothetical context and was not laid down as a condition precedent for initiation of the dispute by the Union of the industry. The conception of industrial dispute, therefore, has greatly changed more and more for a wider interpretation. In order to include in its ambit the question of dismissal of individual worker even if not supported by any union whatsoever, the Parliament in its wisdom has now included Section 2-A which deems the question of dismissal discharge or retrenchment of an individual worker to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute. The section though incorporated after this reference at least gives an indication of the prevailing trend of conception on the subject of industrial dispute. With these discussions on the legal aspect of the matter the facts of the instant case may be examined.

16. New Chirimiri Ponri Hill Colliery has no union exclusively of its workers. M.P.C.W. Federation is also a general union of the industry and so is the sponsoring union, M.P. Koyala Mazdoor Panchayat. The fact that the Union, M.P.C.W. Federation, has majority of workers as its members is of no consequence. It is now firmly established that even a minority union can also raise and sponsor the



dispute (Workmen of Rohtak General Transport Company Vs. Rohtak General Transport Company, reported in 1962 (1) LLJ p. 634]. The workmen have a right to form more than a union and to join any. If some of the workmen decided to join another union and M.P. Koyala Mazdoor Panchayat extended its activities of enrolment of workers of this colliery these were legitimate trade union activities. The employers evidently, favouring the rival union, M.P.C.W. Federation, were quick in their action so as to thwart the action of the M.P. Koyala Mazdoor Panchayat in further enlistment of members by taking actions against the six concerned workmen and dismissing them. This is obviously an unfair labour practice. The employers seem to have been labouring under an impression that one establishment should have one union and describing the dismissed workmen as weeds and pest they straight way curbed further activities of this union by striking terror in the heart of the workers who may have been prone to join this union. The nature of the dispute, therefore, basically involves a question of principle and for which even though there may have been no other members except the dismissed workmen, M.P. Koyala Mazdoor Panchayat could have raised an industrial dispute. They, however, had over 100 members which was a sufficient number to show that they had the allegiance and support of at least some of the workmen. The fact that the M.P. Koyala Mazdoor Panchayat suspended its activity for further enrolment of members is of no importance at all. Considering the genesis of the dispute culminating in the dismissal of these workmen and the fact that over 100 workers had at any rate become members of the Union, it must be held that the dispute is an industrial dispute. The preliminary objection is thus over-ruled.

17. Coming to the facts of the case and before examining the fairness and validity of the domestic enquiries, certain relevant observations made by the Hon'ble Supreme Court and touching the different enquiries in this case may first be stated. In Associated Cement Companies, Ltd. V. their workmen reported in 1962 (II) LLJ, p. 396, the Hon'ble Court observed in the last paragraph at page 399 as follows:—

"It is true that domestic enquiries need not be conducted in accordance with the technical requirements of criminal trials, but they must be fairly conducted and in holding them, considerations of fairplay and natural justice must govern the conduct of the enquiry officer."

At page 400, it was again observed:—

".... As we have repeatedly emphasized, domestic enquiries must be conducted honestly and bona fide with a view to determine whether the charge framed against a particular employee is proved or not, and so care must be taken to see that these enquiries do not become empty formalities."

In the next paragraph it was again stated:—

"It is necessary to emphasize that in domestic enquiries the employer should take steps first to lead evidence against the workman charged, give an opportunity to the workman to cross-examine the said evidence and then should the workman be asked whether he wants to give any explanation about the evidence led against him."

With these principles in view the domestic enquiries held against each set of workmen may now be examined.

18. For the case of Ramna Pande, Dharni Kar and Triveni, the charge-sheet against them has already been reproduced verbatim in the beginning. It is not a charge-sheet but virtually a show cause notice why they should not be punished. From the last but one paragraph of the charge-sheet, the language indicates that the charge-sheeting authority had already reached the conclusions that the workmen were guilty of which serious view was being taken and the only opportunity given was "after giving all social justice and hearing witnesses that you may desire producing, the crime will be duly assessed and the appropriate punishment inflicted on you." In the last paragraph, they were required to submit written explanations within 24 hours. It is not stated in the charge-sheet that the explanations would be considered and then a domestic enquiry would be held. The normal practice consistent with the principles of natural justice is that explanation is called for to the charge-sheet and it is only when the same is found to be unsatisfactory that an enquiry is ordered. In the instant case an enquiry was straight away ordered despite explanation which may be furnished and the charge-sheeting officer had given his own conclusions about the view taken by



him of the alleged misconduct. Throwing all discretion to the wind he ventilated his feelings and intentions in the endorsement recorded in the end while sending copies of charge-sheet to various authorities including the Enquiry Officer. Using the epithets for the union workers as weeds or pest, he made no secret of his intention to frustrate and root out any attempt to form a rival union because of the view "the policy of the Government should be one union in one industry". The enquiry from the very outset, beginning from the charge-sheet till the end was far from fair and bona fide and the issue appears to have been prejudged and concluded by the Agent. Now coming to the enquiry itself instead of examining the witnesses in support of the charge, the Enquiry Officer first examined Ramna Pandey. The management's representative, Sri Mehra, was then allowed to cross-examine him. The cross-examination of Ramna Pande runs into 10 pages. The questions were not merely meant to elicit doubtful points but obviously to shatter him by searching cross-examination on all aspects. Some of the questions clearly indicated partiality which the management entertained towards the other union, M.P.C.W.F. and to condemn the attempt in the formation of the second union. Similarly, Dharni Kar, who was next examined was closely cross-examined by Sri Mehra on the same lines and the cross-examination covers 5 pages. Next came the turn of Triveni who though had admitted the charge-sheet, strangely was also cross-examined with a view to elicit facts by way of an approver against other two workmen. This was the state of proceedings held on 19th January, 1965. On the following date, the 20th January, 1965, a strange procedure was adopted. The workmen's representative, Sri G. Mohanti, was asked to give his statement and then he was closely cross-examined which runs into 5 pages. When Mohanti found himself broke, he left proceedings on the ground of indisposition. Not only this, the charge-sheeted workmen, Ramna Pande and Dharnikar were asked to produce witnesses before the management: witnesses were examined and then they declined to do so, certain witnesses of the management were examined. The enquiry proceeded evidently on the presumption that the charge-sheeted workmen were guilty of the alleged misconduct and they had to prove their innocence. This was wholly a wrong approach. The finding of the Enquiry Officer is also an interesting reading. Without discussing the evidence at all, and applying his mind, he found proved wholly inapplicable clauses of the Standing Orders condemning them as guilty of dishonesty, indecent behaviour, neglect of work, causing damage to the work and breach of mining laws. Thus every conceivable ground irrelevant and entirely inapplicable clauses were brought into action to find the charges proved. The punishing authority, Manager of the colliery, readily accepted the finding and sought approval from the Agent. The Agent, Sri G. Srinivasan, while regarding the order of dismissal dated 25th January, 1965 against all the three workmen concerned passed a funny order which will give the working of his mind. This also needs to be reproduced verbatim:—

No. Staff/12/1000—1002

Dated the 25th January, 1965.

Shri Ramna Pande, s/o Bansi, D. C. Driller:

Shri Dharni Kar, s/o Rajni Kar, Pump Driver:

Shri Triveni, s/o Ruchi, D.C. Khalasi;

Dear Sirs,

Further to our charge-sheet Staff/12/501—13 of 13th instant, the departmental enquiry is conducted on 19th and 20th instants and you have been given all chances of producing your witness, cross-examining, persons, and social justice for your defence.

In the investigation it has got revealed and remain proved/admitted that you people have violated various provisions of the Standing Order 27 and in particular dishonesty, indecent behaviour, neglect of work causing damage to work in progress and two of the accused barring Shri Dharni Kar have been also found to be malingering.

It incidently transpires in the enquiry that under the guidance of Shri G. Mahanti and others you have without letting know the contents mislead the workers taken their thumb impression for the formation of a new union and the workers who have been cheated have protested later against your action. In this connection, we have to also take into consideration Shri G. L. Nanda's policy in his concluding remarks on the Tripartite meeting on Labour/Management relations on 5th August 1962, stating that:—

(i) Both parties should set right coercion.



(ii) When a recognised Union exists in a colliery the management should deal only with that union for negotiating ..... employment of workers; the unrecognised union, if any, should not disturb the agreement on these questions, if any, between the recognised unions and the management.

(iii) Inter union rivalry—is a cause of disturbed Labour/Management relations in the colliery and it was decided that details of cases of inter-union rivalry should be sent to Labour Ministry for examination

Then again, in the Code of Discipline adopted by the Tripartite Standing Labour Committee and which is enforced from 1st June 1958. The Unions have agreed—

(i) That their members will not engage or cause other employees to engage in any Union activity during working hours;

(ii) To discourage unfair labour practices such as negligence of duty, damage to property, interference with or disturbance to normal work, insubordination etc.

In the Code of Efficiency and Welfare vide 19th Session of L.I.C dated 9th October 1961:—

(i) The Government, Management and Workers agreed to do all that is possible to ensure observance of Code of Discipline and thus to create and maintain cordial atmosphere so that production and productivity can progress unimpeded;

(ii) The workers have agreed not to resort to restrictive practices or to activities involving loss or reduction in the quality and quantity of production, not to allow inter-union or intercraft rivalries to interfere with efficiency in production and to abide by inter-union Code of Conduct.

In the Annexure to the Code of Discipline criteria for recognition of Unions remain given and main points are:—

(i) A Union can only claim recognition after functioning for at least one year after Registration;

(ii) The membership of the Unions should be at least 15 per cent of the workers in the Unit and they should have paid subscription for at least three months during the period of six months preceding;

(iii) When there are several Unions, the one with the largest membership should be recognised;

(iv) Only Unions which observed the Code of Discipline would be entitled to recognition.

It is once more reiterated that we have absolutely no objection to our workers forming any unions of their choice but in the enquiry it is revealed and you have admitted that with your coercive method you are trying to form a new union on the background of the state of affairs prevailing here which will disturb industrial peace, welfare of labour as well as production and hence you have all committed a serious guilt and misconduct and we have lost our faith and confidence in you and we are convinced that your activities or presence in our Industry might result in infringement of peace.

Judged from these you people have also violated Code of Discipline and you have been engaged yourself in Union activities and rivalries during working hours for an unrecognised Union according to your own admission. There is a fully recognised Union of which you are still members or you have not severed membership.

We have also evidence from the written explanation submitted on 15th instant that assault has already taken place as a result of such Union rivalries



The enquiry officer is fully satisfied with the misconduct as above committed by you and mentioned in the charge-sheet and the Manager has recommended your case for a dismissal and has left the matter to be dealt with by the undersigned.

Under the circumstances, all you three are dismissed forthwith from services

Yours faithfully,

Sd./- G. SRINIVASAN

Agent,

New Chirimiri Ponri Hill Colliery,

P.O. Chirimiri, Distt. Surguja (M.P.).

No comment is needed to show the working of his mind. The whole thing is confusion worse confounded, unnecessary sermonising and full of queer notions on the subject of management function qua domestic enquiries. The enquiry must stand condemned and vitiated, not having been in the least fair and in consonance with the principles of natural justice.

19 Taking up the case of G. Mohanti, he was charge-sheeted on 30th January, 1965 after he had withdrawn as a representative in the enquiry against Ramna Pande, Dharni Kar and Triveni. The background for the charge-sheet would appear from the charge-sheet itself:—

Staff/12/1299

Dated the 30th January, 1965

Shri G. MAHANTI,

Clerk Grade II,

P.F. Section,

N.C.P.H. Colliery.

Dear Sir,

Under leave page 27 you have applied for 15 days leave from 4th to 20th instant for urgent work at your native place and you have claimed train fare also. Both remain sanctioned and for 15 days leave under voucher No. 761 of 29th December 1964 you have drawn Rs. 70-65P. You have also drawn train fare to your home—Siliguri, an amount of Rs. 31-10 P. under voucher No. 762 of 29th ultimo.

We have introduced and we are practicing giving of train fare to the home address of workmen even when they do not go home provided they have the eligibility for the same. In a similar manner even for leave, we permit our workers to encash the same when it is not needed and despite these practice being in vogue, your stating "Urgent Work at my native place" in your leave application and after drawing the above money not going home, amounts to cheating. For the clerk being a literate man, this is a serious misconduct. **There** again, your attention is drawn to our charge sheet Staff/12/5/1-13 of 13th instant on Shri Ramna Pande, D.C. Driller, Shri Dharani Kar, Pump Driver and Triveni D.C. Khalasi for their misconduct and they remain departmentally enquired on 19th and 20th instant. At the request of the accused, permission was granted, for your being present in the enquiry. In the enquiry, it got revealed that you are indulging in activities of a type dangerous to colliery working, you are misguiding illiterate workers and without explaining, taking thumb impression for the formation of a new Union over which many workers who have been fooled complained, realising the actual situation. This action of yours violates Code of Discipline and will affect ordinary industrial peace and in investigation it also got revealed that you have conducted and connived at a misconduct of the above three workers between 4th and 14th instant, during which period you are supposed to be at your home. It is evident that for the above purposes of an unconstitutional nature you have told a bare faced lie in taking leave and in claiming train fare. Then again, in the explanation of the accused receipted here on 15th instant, breach of peace with particular reference on your name, remain indicated and it is stated that assault has taken place due to Union rivalry. **It should be noted that at your connivance the workers have, during working hours, indulged in Union activities and rivalries for which they remain dismissed.**

Due chances were given to you during the above enquiry to throw more light on these matters but pleading ill-health you have left the enquiry on the afternoon of the 20th instant. Surprisingly enough, on the expiry of your leave, you have reported for duties even on 21st instant itself. We will be pleased to hear



your explanation on this misconduct of yours explaining as to why we should not, with the above incident, apprehend breach of peace in the industry. Your explanation is awaited within 24 hours and if the same is not found satisfactory you will be departmentally enquired into and dealt with as you deserve.

Then again, vide our AC/31/1086-89 of 25/27th January, 1965 copy to you. in the week ending 26th ultimo Murali s/o Govinda has been paid 6 days Sick Khoraki and 4 days wages for work and the latter is booked in the Badli Paysheet. The name of the worker, father's name, duration of sickness in one Register and attendances in the Badli Register are entered by you. There is no mistake in the calculation part which is admitted to be done by another clerk and this worker getting 6 days of sick khoraki in that week implying that, he is a permanent one, should not have been entered into in Badli Paysheet. Only to hide this, even a remark remains entered that he was newly appointed on 22nd ultimo which is not correct. Then again, without O.T. no worker can score 6 attendance for work viz. a total of 10 in one week. This payment was due on 2nd January 1965 and it was taken as Unpaid due to this obvious mistake which was detected at paying end and because of later confirmation from Audit Office, the unpaid amount was paid to this worker on 11th instant.

You telling a lie and proceeding on leave from 4th instant under leave application/Pass No. 27, has also a bearing on this matter of wilful booking wrongly Murali s/o Govinda's name in the above paysheet for week ending 26th ultimo and taking leave in such a manner, in the departmental enquiry on 11th and 20th instant in your presence, it remains verified that between 4th and 14th instant you have issued books to workers during their hours have been made to indulge themselves in Union activities/rivalries. On enquiry, you have admitted to the Agent that there is no ill will of any sort prevailing in the employer-employee relation and even the dismissed workers, as a result of the enquiry, in your presence have admitted that the Management here is not concerned in the formation of Unions nor in the prevention of such a formation.

Under these circumstances, you have committed a grave misconduct in all the above affairs and you have also enticed the other workers. Your explanation on these matters are awaited and if felt unsatisfactory, it is proposed to hold a Departmental Enquiry on you to meet out disciplinary disposal as is found deserving.

Yours faithfully,

Sd./- T. P. BALAKRISHNAN,

Manager,

N.C.P.H. Colliery

In his case, the management was discreet in calling for his explanation first and then ordering a departmental enquiry. But the proceedings of the enquiry as in the case of Ramna Pande and two others start with the cross-examination of Mohanti by the Manager, Sri Balakrishnan, himself which runs into 24 pages and all sorts of funny and wild questions were put to him, evidently with a view to coerce him and non-plus him. He was then required to produce witnesses and on not doing so, the management witnesses were examined. The Enquiry Officer, Sri Vishwakarma, found the charge-proved of taking leave and not going home. When the finding reached the Agent, Sri G. Srinivasan, for approval, he considered it expedient to warrant the institution of a separate and a so-called independent enquiry. Why that was so considered necessary was not stated in the letter (Ex. M/7). The record of proceedings of the second enquiry (Ex. M/18) again is an interesting reading. Mohanti was asked if he had any dissatisfaction in the earlier enquiry and when he said that he had none, he was confronted with the signed application of seven workers, dated 6th January 1965. Ram Charan Sardar dated 6th January 1965 and another application of Sri Prasad dated 7th January 1965. The General Manager while recording proceedings in his own hand again cross-examined Mohanti on all sorts of topics and this continued running into several pages making copious references to the proceeding of the previous enquiry. No witness was examined and the Agent recorded his own impression after answer of a question was given so as to condemn him at every stage. It is enough to state that this process covers in writing in no less than 62 pages. The Agent found him guilty for misconduct for acts subversive of discipline by indulging in union activities during duty hours, availing leave on false pretext, for negligence in over payment and thus he justified his order of dismissal. The dismissal order first records a discussion on what is meant by misconduct, quotes various rulings and then only in the end passes punishment of dismissal. The whole thing was a preposterous show and merits no serious attention.



20. Coming to Nani Gopal and Nikhil Kumar Dutt, the charge-sheet against Nani Gopal was for using two bulbs of 100 watts each and thereby causing damage to works and consuming electric current. The Agent recorded a number of queries so as to dig out reasons for the use of quarter by Nani Gopal but belonging to Nikhil Kumar Dutt. A fresh charge-sheet dated 27th January, 1965 was then served on him giving all sorts of reasons for the use of the quarter (Ex. M/24) and similarly argumentative charge-sheet, rather a finding for letting Nani Gopal use the quarter was issued against Nikhil Kumar Dutt on 29th January, 1965 (Ex. M/26). When their replies were found unsatisfactory which, considering the communications sent to them was a foregone conclusion, an enquiry was entrusted to the same Labour Welfare Officer, Sri Vishwakarma. The Enquiry Officer adopted the same peculiar procedure and first examined Nikhil Kumar Dutt. He then allowed Sri Gaffar, the Engineer, to cross-examine him which runs into seven pages. Stopping his further examination, Sri Gaffar, was introduced in the enquiry and was examined and cross-examined by Nikhil Kumar Dutt. Similarly, Nani Gopal was examined and cross-examined in the enquiry conducted on 8th February 1965 and the cross-examination by Sri Gaffar runs into several pages, as many as 18. He was asked to produce witnesses to which he declined and then Sri Gaffar was examined as the management witness. The finding of the Enquiry Officer (Ex. M 32) is a laboured document, full of perversity which need not be stated. The Manager by his order dated 13th February, 1965 (Ex. M/35) found them guilty and recommended punishment of dismissal and the Agent, Sri Srinivasan, by an order dated 13th February 1965 (Ex. M/36) conceding that the misconducts were not covered by Standing Orders yet were serious, dismissed them. The whole thing is devoid of fair play and basic principles of natural justice and was a calculated design to get rid of them.

21. The result is that the show of domestic enquiries against the three sets of workmen cannot be taken as a bonafide action on the part of the management. The management made no honest attempt to ascertain whether the workmen were really guilty, but prejudging the whole thing, resorting to the device of the empty formality of domestic enquiries, the concerned workmen have been dismissed. The enquiries, therefore, remained completely vitiated.

22. The next question is whether the workmen concerned were really guilty of any misconduct for which their services have been terminated. It may be mentioned that to determine the same, the records of the enquiry proceedings would be of no avail to the management. They had to justify the misconduct before this Tribunal by fresh evidence.

23. Taking up the case of Ramna Pande, Dharni Kar and Triveni, the only evidence tendered was of Kartik (E.W. 3) who stated that his signature was obtained by Ramna Pande on a paper during working hours on misrepresentation and that he paid no subscription. Sakhru (E.W. 4) stated that Ramna Pande and Triveni got his thumb mark by misrepresentation. He did not state that this was during working hours in the colliery. Parsad (E.W. 5) stated that Dharnikar and Ramna Pande forcibly obtained his thumb mark on a paper in the Bazar. This is hardly a convincing evidence to show that during working hours within the mine these persons indulged in union activities and stopping their work. The only material evidence is of Asstt. Manager, U. C. Mehra (E.W. 6) who stated that he received written complaints from three group of workers on 5th January, 1935. One group of workers of third Shift alleged that during working hours Ramna Pande and Triveni duced them to sign on some papers in the mine without explaining the purpose. The second group of workers complained in writing that in the residential colony Ramna Pande and Triveni and a few others obtained his signature on false pretext. The third complaint of Sri Ram Charan, Mining Sardar, was to the effect that Ramna Pande and Triveni obtained signatures from workers in the mine, thereby corroborating the version of the complaint of first set. Curiously the mining Sardar has not been produced. The evidence of Sri Mehra is, therefore, merely hearsay. He waited for the return of the Manager rather the Agent and placed the matter before him. The Agent then took the above stated action. The evidence of the management against this set of workmen is not such as to lead to the conclusion that these three persons did really indulge in any union activity during working hours in the mine and if at all they did it it was a trivial affair not to merit such a serious view. The admission of Triveni can be used only against him. He came in evidence and first denied to have enrolled members in the mine but admitted to have done it in the Dufai or residential colony. He, however, admitted in the cross-examination that he admitted the charge in the enquiry without any coercion or inducement. He further admitted his signature on Ex. M/6 and M/7 his admissions dated 13th January 1965 and 15th January, 1965. His case may be differently treated on his



own admission but that cannot be used against Ramna Pande and Dharni Kar. If Ramna Pande and Dharni Kar had obtained some signatures during working hours within the mine from some workers and on some wrong excuse the incident was not such as to impel the management to take such a serious view and to dismiss them for a trivial matter.

24. As far G. Mohanti, there was no pointed evidence led against him. It was an admitted case that the management paid railway fare to a worker for going to and coming from home, even though he did not actually go and remained on duty. With this admitted position, there was no wrong done by Mohanti in taking leave for going home and in receiving payment of both ways railway fare upto Siliguri. He may have had that intention when he applied for two weeks leave on 4th January, 1965, but could have later on changed his intention. Dharni Kar was examined in his defence and stated that to negotiate for his daughter's marriage Mohanti had accompanied him upto Pendra Road. Mohanti (W.W.1) corroborated this and denied that he had any guilty intentions. For the second charge of preparing a wrong bill of Murli Loader, he stated that he did it in accordance with the colliery records. The management on their part made no attempt to substantiate this part of the charge. No misconduct whatsoever was thus committed by Mohanti.

25. Coming to the case of Nani Gopal and Nikhil Kumar Dutt, only flimsy ground had been dug out by the management to get rid of them. Just because Nikhil Kumar Dutt had allowed Nani Gopal to use his quarter and Nani Gopal was found using two bulbs of 100 watts each instead of a permissible limit of 50 watts would show that the management was out to dig out one excuse or the other to get rid of such workers who had dared to become members of M.P. Koyala Mazdoor Panchayat. They were hunted out with the help of workers of the rival union. This is a logical inference from the fact that when on 23rd January, 1965 the quarter occupied by Nani Gopal was raided, not only the Engineer, Sri Gaffar and Sri Sinha, Surveyor were present, but they were accosted by the Secretary of the rival union, Sri B. B. Sinha (*vide* Ex. M/22). It is futile to examine the merits of this charge which was a wholly flimsy one.

26. From the above discussion, it is abundantly clear that the whole action of the management was *mala fide* promoted to thwart the action of some of the workers for bringing M.P. Koyala Mazdoor Panchayat as another union to champion their cause. The action of the management in dismissing these six workmen was for no other motive but to victimise them and the conduct was clearly an unfair labour practice.

### Decision

Finding that the action of the management in dismissing all the six workmen concerned was unjustified, they are ordered to be reinstated. Except for Triveni who made an admission rather confession before the management in the domestic enquiry, demonstrating doubtful loyalty and thereby forfeiting the claim for back wages, the remaining five are entitled to back wages. It is, therefore, directed that except for Triveni all others namely, Ramna Pande, Dharni Kar, Nani Gopal, Nikhil Kumar Dutt and G. Mohanti will be entitled to back wages from the date of their dismissal till reinstatement. All the six workmen shall be reinstated within one month from the date of the enforcement of this award.

The Union, M.P. Koyala Mazdoor Panchayat, will be entitled to Rs. 200 as costs of the proceedings from the employers.

G. C. AGARWALA,

Presiding Officer.  
17-4-1967.

[No. 5/19/65-LRII.]

### ORDER

New Delhi, the 10th May 1967

S.O. 1782.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sarpi Kajora Colliery



of M/s. Sarpi Kajora Coal Mines (Private) Limited, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed,

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2, Calcutta, constituted under section 7A of the said Act.

**SCHEDULE**

Whether the dismissal of the following workmen by the management of Sarpi Kajora Colliery with effect from the dates shown against each was justified?

1. Muslim Mia, U.G. Trammer	11.4.1966
2. Osman Mia, Gateman	13.4.1966
3. Karu Mia, Body Searcher	14.4.1966

If not, to what relief are the workmen entitled?

[No. 6/109/66-LRII]

BALWANT SINGH, Under Secy.